

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

TWELFTH DAY'S PROCEEDINGS

**Thirty-Eighth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 3, 2012

The Senate was called to order at 1:15 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Gallot	Peacock
Allain	Johns	Perry
Broome	Kostelka	Peterson
Claitor	LaFleur	Riser
Cortez	Long	Smith, G.
Crowe	Mills	Smith, J.
Donahue	Morrish	Tarver
Dorsey-Colomb	Murray	Thompson
Erdey	Nevers	Ward
Total - 27		

ABSENT

Adley	Buffington	Martiny
Amedee	Chabert	Morrell
Appel	Guillory	Walsworth
Brown	Heitmeier	White
Total - 12		

The President of the Senate announced there were 27 Senators present and a quorum.

Prayer

The prayer was offered by Dr. Joshua Joy Dara Sr., following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator White, the reading of the Journal was dispensed with and the Journal of April 2, 2012, was adopted.

**Privilege Report of the
Legislative Bureau**

April 3, 2012

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 974—

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON AND SENATORS ALARIO AND APPEL

AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, and 414.1, 441, 442, 443, and 444(B)(1), to enact R.S. 17:418 and 532(C), and to repeal R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207, relative to elementary and secondary education; to provide with respect to teachers and other school employees; to provide with respect to local school superintendents, their employment, and their duties and responsibilities; to provide relative to local school boards and their functions and powers; to provide relative to school personnel decisions; to provide relative to school board reduction in force policies; to provide with respect to the salaries and compensation of teachers and other school employees; to provide relative to tenure for school employees and the removal of tenured and nontenured teachers; to provide for effectiveness; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 976—

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON

AN ACT

To amend and reenact R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and Part I of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4025, to enact R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4), relative to school choice; to provide relative to reports by the superintendent of education; to provide relative to the Student Scholarships for Educational Excellence Program; to provide relative to program eligibility and participation requirements for students and schools; to provide relative to selection and enrollment of eligible students; to provide relative to funding and payments to eligible schools including eligible nonpublic schools; to provide for reports; to provide for the submission of petitions by parents requesting that a school be transferred to the Recovery School District under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary Education for the petition process; to change charter proposal submission time lines; to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type 2 charter school under certain conditions; to authorize the state board to allow the state superintendent of education and the superintendent of the Recovery School District to amend the charter of Type 5 charter schools to accommodate a unified enrollment system; to modify the initial charter period; to provide for charter school admission requirements; to allow foreign language immersion schools to establish special admission standards; to provide for the qualifications of teachers; to provide relative to the evaluation of charter school teachers and other school employees; to provide relative to teacher certification requirements; to remove the requirement that charter schools comply with laws relative to the length of the school year; to provide for the Course Choice Program; to provide for program definitions and funding; to provide for the powers of the State Board of Elementary and Secondary Education and local public school systems relative to course providers; to provide relative to entities that authorize charter schools; to provide for certification of certain state agencies and nonprofit corporations as charter authorizers; to provide relative to the responsibilities of the State Board of Elementary and Secondary Education with respect to certification of such authorizers; to provide relative to requirements, powers, responsibilities, and limitations of such

authorizers; to provide relative to schools whose charter is authorized by such entities, including matters related to funding for such schools; to provide for procedures, processes, fees, and regulations; to prohibit persons who have been convicted of any crime defined as a felony from being a local charter authorizer, member, officer or director of a charter school; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Martiny, the Bills and Joint Resolutions were read by title and passed to a third reading.

Senate Bills and Joint Resolutions on Second Reading to be Referred

SENATE BILL NO. 640—
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 39:22(1) and 25, relative to the attendance of an economist principal at a session or meeting of the Revenue Estimating Conference; to authorize the economist principal to appoint an ad hoc member or to attend a session or meeting by telephone, video-conference, or other communications technology under certain circumstances; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Finance.

SENATE BILL NO. 641—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 17:268(A), relative to required student activities; to provide that the governing authority of each public and state-approved nonpublic school requires all students in grades four through six to recite a specified passage of the Declaration of Independence; to provide for exceptions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 642—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 33:2337(A)(1) and (2), relative to mutual assistance between law enforcement agencies; to authorize city marshals and city constables to provide police manpower and equipment to a requesting police department or sheriff's office during an emergency or special event; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

SENATE BILL NO. 643—
BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 22:1061(5)(e)(ii) and (iii), relative to portability, availability, and renewability of health insurance coverage; to provide for definitions of large and small employers for purposes of such coverage; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 644—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 22:453(B), 454(A), 458, 459, 461(B),(C), (D), (E), (F), (G), and (H), and 463, enact R.S. 22:462(H), and to repeal R.S. 22:454(C) and (D) and 461(I), relative to group self-insurers; to provide for application for certificates of authority; to provide for fidelity bonds and insolvency of deposits; to provide for self-insured trusts; to provide for excess stop-loss coverage; to provide for annual audits, examinations by the commissioner, and issuance of annual reports; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 645—

BY SENATORS THOMPSON AND RISER AND REPRESENTATIVES ANDERS, CHANEY, HOFFMANN, KATRINA JACKSON, JEFFERSON, JAY MORRIS, PYLANT, GREENE AND SHADOIN

AN ACT

To enact R.S. 17:1994(C) and 3217.3, relative to community and technical colleges; to provide for the merger of the certain Louisiana Technical College campuses with Louisiana Delta Community College; to provide relative to the transfer of the students, employees, funds, obligations, property, programs, facilities, and functions of such technical college campuses to Louisiana Delta Community College; to provide relative to performance agreements with the Board of Regents; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 646—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:1615(A)(1) and (4), relative to Boll Weevil Eradication assessments; to provide for the transfer of assessments to the Louisiana Agricultural Finance Authority; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE BILL NO. 647—
BY SENATOR BROWN

AN ACT

To enact R.S. 14:98(L), relative to operating a vehicle while intoxicated; to provide for minimum sentencing guidelines for subsequent offenses operating a vehicle while intoxicated under certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 648—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 34:851.27(B)(9), relative to the regulation of air boats; to authorize St. Charles Parish and its municipalities to regulate the operation of air boats; to provide terms, conditions, and requirements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 649—
BY SENATOR GARY SMITH

AN ACT

To enact Code of Criminal Procedure Article 334.4, relative to bail; to provide for the use of global positioning system monitoring of persons charged with certain offenses; to provide for definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 650—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:10.1(B) and (C), 441, 442, 3881(A), 3882(2) and (5), 3883(A)(1), (6) and (8), 3886(A), 3902(B)(3) and (5), and 3997(D)(1)(a) and (2), and to repeal R.S. 17:3883(A)(7), relative to elementary and secondary education; to provide with respect to the state's school and district accountability system; to provide with respect to teachers; to provide with respect to teacher tenure; to provide with respect to the dismissal, discharge, demotion, and discipline of teachers; to provide relative to the principles of effective teaching; to provide for a teacher evaluation advisory committee; to provide with respect to the evaluation of teachers and administrators; to provide relative to teacher certification; to provide relative to funding; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 651—
BY SENATOR BROWN

AN ACT

To enact Code of Criminal Procedure Article 500, relative to procedures after indictment; to provide that persons indicted for first degree murder under certain circumstances are to be housed at the Louisiana State Penitentiary; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 652—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 47:9010(A)(7), relative to the Louisiana Lottery Corporation; to provide for the content of the annual budget report submitted to the Joint Legislative Committee on the Budget; to provide for the reporting of certain personnel information; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Finance.

SENATE BILL NO. 653—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 47:338.1(D), relative to sales tax of political subdivisions; to provide for the use of the tax proceeds of a sales tax district in the municipality of Breaux Bridge; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 654—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 17:3902(B)(5), relative to the evaluation and effectiveness of teachers; to provide relative to the evaluation of teachers using a value-added assessment model; to include parental involvement as a student factor in determining the effectiveness of teachers; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 655—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 32:398(E)(1), relative to accident reports; to require law enforcement officers investigating an accident to confirm compliance with the Motor Vehicle Safety Responsibility Law electronically or by telephone; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 656—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 3:3533(E), 3534(A)(2), (B), (F), (G), and (I)(5), 3535(D), 3543(D), 3544(A)(3), (B), (D), (E), and (H)(5) and 3545(D) and to repeal R.S. 3:3544(A)(9) and (10), relative to certain boards and commissions within the department; to provide relative to the authority of the Louisiana Rice Promotion Board; to provide relative to the authority of the Louisiana Rice Research Board; to provide relative to referenda on assessments; to provide relative to refunds on assessments; to authorize the commissioner to plan and conduct referenda; to authorize the commissioner to adopt rules and regulations; to repeal the five-year effective date for assessments; to provide for technical corrections; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE BILL NO. 657—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 11:1651(B)(introductory paragraph) and (2)(a), relative to the board of trustees of the District Attorneys' Retirement System; to provide for board membership; to increase the number of active members on the board; to specify that one active member shall be an assistant district attorney; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

SENATE BILL NO. 658—
BY SENATORS LONG AND GALLOT

AN ACT

To enact R.S. 42:1123(42), relative to conflicts of interest; to provide for an exception from the Code of Governmental Ethics to allow certain local government officials to contract with a public utility that does business with certain local governing authorities in certain instances; to provide an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 659—
BY SENATOR MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Articles 521, 717, the introductory paragraph of 718 and 718(1) and 729.6 and to enact Code of Criminal Procedure Articles 434.1 and 725.1, relative to criminal discovery; to provide for exceptions to grand jury secrecy; to provide relative to pretrial discovery motions; to provide relative to disclosure of certain evidence and records; to provide relative to disclosure of certain witness information; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

April 3, 2012

SENATE BILL NO. 660—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 33:9038.34(A)(6), relative to sales tax increment financing; to provide for certain proposed sales tax increment financing project submissions to the Joint Legislative Committee on the Budget; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Finance.

SENATE BILL NO. 661—
BY SENATOR JOHNS

AN ACT

To authorize the Chennault International Airport Authority to transfer certain property to the governing authority of the city of Lake Charles; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 662—
BY SENATOR BUFFINGTON

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 and 1300.354, relative to premature infant hospital discharge; to provide for rules and regulations; to provide for reporting; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Health and Welfare.

SENATE BILL NO. 663—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 32:1254(A)(19), relative to the Louisiana Motor Vehicle Commission; to provide for licensing of certain exhibitors at auto shows, trade shows, and exhibitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 664—
BY SENATOR MILLS AND REPRESENTATIVE PATRICK WILLIAMS

AN ACT

To enact Subpart DD of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.105, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due them to the Odyssey Foundation for the Arts, LLC for purposes of the Center of Excellence for Autism Spectrum Disorder; to authorize the secretary of the Department of Revenue to administer and disburse donated monies; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 665—
BY SENATOR CHABERT

AN ACT

To amend and reenact R.S. 17:3128(A) and (B)(2), relative to postsecondary education; to provide for the powers and duties of the Board of Regents; to provide relative to the distribution of funds to institutions of postsecondary education; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 666—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 24:513(A)(5)(a)(i), (G) and (I), 513.3(C) and (G), and 518(A)(1), (B) and (C) and Code of Evidence Art. 513 and to enact Code of Evidence Art. 506(C)(7) and 515(C)(11), relative to audit of public funds; to provide for access to, and availability of, privileged information of offices subject to audit or review by the legislative auditor for such purpose; to provide for applicability of restrictions on disclosure of such privileged information; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 667—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 32:402.1(A)(1)(a) and the introductory paragraph of 402.1(A)(2), relative to driver education; to provide relative to the requirements for driver education for persons who are less than eighteen years of age and for persons who are eighteen years of age or older; to provide relative to classroom instruction and actual driving instruction; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 668—
BY SENATOR MORRISH

AN ACT

To enact R.S. 32:1256.1, to provide relative to recreational product shows; to provide for participation in certain recreational product shows by nonresident exhibitors; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 669—
BY SENATOR WARD

AN ACT

To amend and reenact R.S. 22:997, relative to visual services and choice of practitioners; to provide with respect to vision care services performed by a licensed optometrist; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 670—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 56:302.9(A) and 302.9.1(A), relative to charter boat and charter boat fishing guides; to provide for licensing requirements; to provide for proof of liability insurance; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 671—
BY SENATOR PETERSON

AN ACT

To enact R.S. 14:103.27, relative to offenses affecting the public sensibility; to create the crime of prohibited communication between educator and student; to provide for definitions; to provide for penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 672—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 42:851(E)(1)(d), relative to group health insurance for elementary and secondary school teachers; to provide for premium allocation; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 673—

BY SENATORS ERDEY, AMEDEE AND WHITE

AN ACT

To enact R.S. 47:302.41.1, relative to the disposition of certain sales tax collections in Livingston Parish; to establish the Juban Crossing Economic Development District Fund as a special fund in the state treasury; to provide for the deposit of certain monies into the fund; to provide for the uses of monies in the fund; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Finance.

SENATE BILL NO. 674—

BY SENATOR WARD

AN ACT

To enact R.S. 47:463.155 and 156, relative to motor vehicle special prestige license plates; to provide for the creation and issuance of such plates; to provide for the design of such plates; to provide relative to the fee and application of the fee for such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 675—

BY SENATOR RISER

AN ACT

To amend and reenact 40:600.87(8), relative to the definition of "persons or families of low or moderate income" for purposes of the Louisiana Housing Corporation Act; to change certain definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 32—

BY SENATOR MURRAY

A RESOLUTION

To establish and provide for the Major Event Funding Study Committee to conduct a study of the feasibility of establishing trust funds to support the hosting of major events in Louisiana.

The resolution was read by title and referred by the President to the Committee on Finance.

SENATE RESOLUTION NO. 33—

BY SENATOR CLAITOR

A RESOLUTION

To commend the Christian Life Academy Crusaders boys basketball team on winning the 2012 Class 1A state championship.

On motion of Senator Claitor the resolution was read by title and adopted.

SENATE RESOLUTION NO. 34—

BY SENATOR BROOME

A RESOLUTION

To designate March 2012 as "Safer and Healthier Choices Awareness Month"

On motion of Senator Broome the resolution was read by title and adopted.

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to a potential conflict between provisions of law regarding the notice that must be provided to a criminal defendant as to his right to waive trial by jury, and the defendant's right to waive formal arraignment.

The resolution was read by title and referred by the President to the Committee on Judiciary C.

SENATE CONCURRENT RESOLUTION NO. 46—

BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To approve the comprehensive master plan for integrated coastal protection projects, as adopted by the Coastal Protection and Restoration Authority.

The resolution was read by title and referred by the President to the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To commend William Goldring as the recipient of the Times-Picayune Loving Cup for 2011.

The concurrent resolution was read by title. Senator Martiny moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Nevers
Adley	Gallot	Peacock
Allain	Guillory	Perry
Amedee	Heitmeier	Peterson
Appel	Johns	Riser
Broome	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Walsworth
Crowe	Morrell	Ward
Donahue	Morrish	White
Dorsey-Colomb	Murray	
Total - 38		

NAYS

Total - 0

ABSENT

Brown
Total - 1

The Chair declared the Senate adopted the Senate Concurrent Resolution and ordered it sent to the House.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 2, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB NO. 120 HB NO.146 HB NO. 827
HB NO. 917

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 120— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F) and to enact R.S. 15:570(G) and (H), relative to executions of death sentences; to provide relative to those persons required to be present; to provide relative to a person's refusal to attend; to provide relative to the confidentiality of the identity of certain persons participating in the execution; to provide relative to the licensing of certain persons participating in the execution; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 146— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact R.S. 27:65(B)(11), 239.1, and 361(F), relative to gaming; to provide with respect to the methods of wagering at gaming facilities; to prohibit the use of debit cards for wagering; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 827— BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 14:110(B)(3) and (E) and to enact R.S. 14:110(B)(4), relative to escape; to provide relative to the crime of simple and aggravated escape; to expand the listing of prison facilities to include home incarceration; to provide for penalties; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 917— BY REPRESENTATIVES BROSETT, BARROW, WESLEY BISHOP, COX, HAZEL, KATRINA JACKSON, JAMES, JEFFERSON, MONTTOUCET, NORTON, ORTEGO, RICHARD, SMITH, AND ST. GERMAIN AN ACT

To amend and reenact R.S. 18:1308(B), relative to absentee voting by mail; to provide relative to procedures for voting absentee by mail; to provide relative to the means by which absentee voting materials may be returned to the registrar; to require certification under certain circumstances; to provide for limitations; to provide for definitions; to provide for effectiveness; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 98— BY REPRESENTATIVE THIBAUT AN ACT

To amend and reenact R.S. 17:85, relative to naming certain school athletic facilities; to authorize city, parish, and other local public school boards to name athletic facilities after living persons; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

HOUSE BILL NO. 99— BY REPRESENTATIVE HENRY AN ACT

To enact R.S. 15:1352(A)(30) through (44), relative to racketeering; to add enumerated crimes to the definition of "racketeering activity"; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

HOUSE BILL NO. 123— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 15:875(B)(1) and to enact R.S. 15:875(B)(3), relative to the imposition of restitution on offenders; to provide that restitution may be obtained from an offender for expenses incurred for an escape or attempted escape from any place where the offender is legally confined; to provide for applicability; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

HOUSE BILL NO. 136— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 14:34.2(A)(2) and to enact R.S. 14:34.2(C), relative to the crime of battery of a police officer; to provide for the definition of "police officer"; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

HOUSE BILL NO. 190— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact Code of Criminal Procedure Article 349.3(A)(1), relative to bail; to provide relative to notice provided to a commercial surety upon a judgment of bond forfeiture; to provide relative to the registered address of a commercial surety; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

HOUSE BILL NO. 197— BY REPRESENTATIVES HENRY BURNS AND WILLMOTT AN ACT

To amend and reenact R.S. 32:295.1(A) and (B), relative to seat belts; to require all passengers in motor vehicles to wear a seat belt; to prohibit a driver from transporting more passengers than a motor vehicle has seat belts; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 237—BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 15:499(A)(introductory paragraph), relative to certificates of analysis; to provide with respect to proof of analysis or examination of physical evidence; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

HOUSE BILL NO. 248—BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 15:571.35.1(C)(2)(e), relative to the Lafourche Parish Pretrial Home Incarceration Program; to authorize the earning of credit for time served participating in the program under certain conditions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

HOUSE BILL NO. 273—BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 17:3951(B)(14), relative to the College and Career Readiness Commission; to provide relative to commission membership; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

HOUSE BILL NO. 302—BY REPRESENTATIVE DIXON
AN ACT

To enact R.S. 47:2129.1, relative to the collection of ad valorem taxes in Rapides Parish; to authorize the collector to accept quarterly payment of certain taxes and statutory impositions subject to approval of the governing body of the taxing authority; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 342—BY REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact R.S. 9:5554, relative to the registry of certain documents; to provide for documents not required to be registered for purposes of executory process; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 385—BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact R.S. 18:101(F), relative to voter registration and voting; to provide relative to qualifications for registration and voting; to provide relative to the residence of persons involuntarily displaced by the effects of certain states of emergency for such purposes; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 450—BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:4823(A)(introductory paragraph) and (2), 4831(A), 4833(E), 4835(A) and (B), 4862(B)(3), 4865(C), 4872(A) and (B), and 4885(C), relative to claims and privileges; to provide for a one-year time limitation within which to file a

suit to enforce a Private Works Act privilege; to provide with respect to a notice of pendency of action; to provide for technical corrections; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 452—BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 13:4344.1(A)(introductory paragraph), (6), and (7), (D), (E), and (F) and to enact R.S. 13:4344.1(G) and (H), relative to inscriptions on mortgage certificates; to provide for deletion of inscriptions; to delete antiquated references to the recorder of mortgages for Orleans Parish; to provide for technical corrections; to provide for inscriptions of cancelled and prescribed mortgages; to provide for retroactive application; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 453—BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Article 2293(B)(1), relative to notice of seizure in judgment debtor cases; to provide for the form of such notice; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 469—BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:2092(A) and (B)(2) and 2262.2(A) and (B)(2), to enact R.S. 9:2092(B)(3) and 2262.2(B)(3), and to repeal R.S. 9:2092(B)(1)(f) and 2262.2(B)(1)(g), relative to property held in a trust; to provide for recordation of certain documents; to provide for the contents of an extract of trust relative to the authority of a trustee; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 470—BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 35:2.1(A), relative to notaries; to provide for the execution of an act of correction; to provide for notaries who may execute an act of correction; to provide for the form of the act of correction; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 485—BY REPRESENTATIVES THIERRY, BROWN, FRANKLIN, GISCLAIR,
GUINN, HILL, HODGES, HONORE, HOWARD, LEBAS, LEOPOLD,
NORTON, RICHARD, AND ST. GERMAIN
AN ACT

To amend and reenact R.S. 32:80(A)(4), relative to traffic violations; to provide for enhanced penalties for overtaking or passing a school bus when injury or death occurs as a result; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 535—BY REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact R.S. 9:4422(introductory paragraph) and (3), relative to obligations secured by mortgages or privileges; to

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provide with the respect to promissory notes; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 578—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 18:1309(L), relative to voting; to provide relative to early voting at certain locations; to provide relative to the days and hours of early voting at such locations; to provide relative to the authority and duties of registrars of voters and the secretary of state relative to early voting; to require notice; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 615—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 3:2571(A) and 2572, R.S. 30:2199(A), R.S. 33:7556, R.S. 36: 508(A), R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph), 33, 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226, 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491, 492, 511, 2044(5), 3074(A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B), and R.S. 40:1236.2(C)(4)(a)(v), relative to the Department of Transportation and Development; to reassign duties of offices within the Department of Transportation and Development; to rename the office of public works, hurricane flood protection and intermodal transportation, within the Department of Transportation and Development; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 623—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 48:390(B) and 390.1(A)(2) and to enact R.S. 48:390(I) and 390.1(D), relative to closure of railroad crossings; to require the Department of Transportation and Development to notify affected landowners prior to the closing of any railroad crossings; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 633—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 32:390(C), relative to commercial motor vehicles; to provide relative to the Weigh-In-Motion System; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 826—
BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 44:9(E)(2), relative to arrest and prosecution records; to make a technical correction to the provision regarding the expungement of arrest and prosecution records of sex offenders; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

HOUSE BILL NO. 835—
BY REPRESENTATIVE MILLER
AN ACT

To amend and reenact R.S. 13:5121(2), 5124(B), and 5125, relative to bond validation suits; to provide for an online database for posting notice of filing bond validation suits; to provide for the information to be posted thereon; to provide for proof of posting; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 882—
BY REPRESENTATIVES HOWARD AND HILL
AN ACT

To designate a certain portion of Highway 463 as the "B.R. Harvey Memorial Highway".

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 940—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 13:3852(A) and to enact R.S. 13:3852(C), relative to seizure of property; to provide with respect to notice of seizure; to provide that additional notice of rescheduled sale dates is not required; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 941—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:4821 and to enact R.S. 9:4820(D), relative to the Private Works Act; to provide for effective dates of privileges; to provide for priority of privileges; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

**House Concurrent Resolutions on
Second Reading**

HOUSE CONCURRENT RESOLUTION NO. 2—
BY REPRESENTATIVE MORENO
A CONCURRENT RESOLUTION

To urge and request the Louisiana Tax Commission to study and make recommendations relative to the practicality and feasibility of establishing a statewide database to track the name and address of a property owner claiming a homestead exemption which can be used by each assessor and each registrar of voters for the purpose of curtailing property tax and voter registration fraud.

The resolution was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE CONCURRENT RESOLUTION NO. 3—
BY REPRESENTATIVE LOPINTO
A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding expungement.

The resolution was read by title and referred by the President to the Committee on Judiciary B.

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVE FOIL
A CONCURRENT RESOLUTION

To approve rules promulgated by the Amite River Basin Drainage and Water Conservation District, hereinafter, "ARBC", relative to the acquisition of property for the Comite Diversion Canal Project.

The resolution was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 31—

BY REPRESENTATIVE ST. GERMAIN
A CONCURRENT RESOLUTION

To approve the Atchafalaya Basin Annual Basin Plan for Fiscal Year 2012-2013, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

The resolution was read by title and referred by the President to the Committee on Natural Resources.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ben W. Nevers, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

April 3, 2012

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 26—

BY SENATOR GALLOT
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the issue of heirship property; to request the Louisiana State Law Institute develop recommendations for facilitating the ability of family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings; and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property.

Reported favorably.

SENATE BILL NO. 156—

BY SENATOR MURRAY
AN ACT

To enact Children's Code Art. 905.1, relative to children committed to the Department of Public Safety and Corrections, to provide for assessment of reading ability; to provide for creation of an academic plan and timetable; to provide for court approval; to provide certain procedures, terms and conditions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 308—

BY SENATOR MURRAY
AN ACT

To amend and reenact R.S. 13:5107(A), relative to service of citation and process; to provide relative to service of citation and process upon the state and state agencies; to provide certain procedures, terms, conditions, and effects; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 324—

BY SENATOR PERRY
AN ACT

To amend and reenact R.S. 13:783(D)(7), relative to the clerk of court of Vermilion Parish; to provide for an automobile expense allowance for the clerk of court of Vermilion Parish; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 441—

BY SENATOR NEVERS
AN ACT

To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph), relative to insurance and liability; to provide relative to civil actions against insurers; to provide for rights of injured persons or their survivors; to provide for certain terms, conditions and procedures; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 457—

BY SENATOR PERRY
AN ACT

To amend and reenact Code of Civil Procedure Article 4843 (E) and (G), relative to city courts; to provide relative to jurisdiction; to increase the civil jurisdictional maximum amount in dispute in the city courts of Abbeville and Kaplan.

Reported favorably.

SENATE BILL NO. 547—

BY SENATOR PEACOCK
AN ACT

To enact R.S. 12:1308.3, relative to limited liability companies; to provide for change in the jurisdiction of domestic and foreign companies; and to provide for related matters.

Reported by substitute.

Respectfully submitted,
BEN W. NEVERS
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Jean-Paul "JP" Morrell, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

April 3, 2012

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

SENATE BILL NO. 71—

BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 40:2266.3, relative to criminalistics laboratories operated by sheriffs; to exempt the criminalistics laboratory operated by the sheriff of Jefferson Parish from certain requirements; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 256—

BY SENATOR MARTINY
AN ACT

To enact Part I-D of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:744 through 744.8, relative to prisoners and correctional institutions; to provide relative to the use of restraints on pregnant prisoners; to provide relative to medical treatment and monitoring of pregnant

prisoners; to provide for reporting and record keeping; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 266—
BY SENATOR MORRELL

AN ACT

To amend and reenact Code of Criminal Procedure Art. 895.1(C), relative to the division of probation and parole; to amend provisions relative to monetary assessments imposed as conditions of probation or parole; to require probation supervision fees to be collected from a defendant under certain conditions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 319—
BY SENATOR MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Art. 344(C), relative to the right to notice of certain required appearances; to provide with respect to the right to notice of time and place of a defendant's required appearance to the personal surety or the commercial surety; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 434—
BY SENATOR PETERSON

AN ACT

To amend and reenact R.S. 15:168(B)(2), relative to judicial district indigent defender funds; to require the inclusion of certain data with monthly remittances in Orleans Parish; to require certain notification; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 435—
BY SENATOR BROOME

AN ACT

To enact R.S. 15:541.1, relative to human trafficking; to provide that certain establishments shall post information regarding the National Human Trafficking Resource Center hotline; to provide for the form and content of the posting; to provide for languages in which the information is to be posted; to provide for certain departments to notify affected establishments of the requirements; to provide for a civil penalty; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 456—
BY SENATOR AMEDEE

AN ACT

To enact R.S. 15:1098.8, relative to juvenile detention centers; to provide for the creation of a multi-jurisdictional board of commissioners to support the operation of a juvenile detention facility; to provide the purpose and boundaries of the district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for special costs; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 462—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 15:1110(E), relative to juvenile detention centers; to provide relative to license requirements for St. James Parish Youth Center; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JEAN-PAUL "JP" MORRELL
Chairman

**REPORT OF COMMITTEE ON
JUDICIARY C**

Senator Robert W. Kostelka, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 3, 2012

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

SENATE BILL NO. 255—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:37.4(C), relative to the crime of aggravated assault with a firearm; to increase the penalties for aggravated assault with a firearm; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 303—
BY SENATORS RISER, ADLEY, BUFFINGTON, CHABERT, CROWE, ERDEY, GUILLORY, KOSTELKA, LAFLEUR, NEVERS, PERRY, WALSWORTH AND WHITE

A JOINT RESOLUTION

Proposing to amend Article I, Section 11 of the Constitution of Louisiana, relative to one's right to acquire, keep, possess, transport, carry, transfer, and use arms; to provide that any denial or infringement or other restriction be subject to a strict scrutiny standard by courts in determining a violation of the right; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

Respectfully submitted,
ROBERT W. KOSTELKA
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

SENATE BILL NO. 19—
BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 11:710(A)(1) and (4), (B)(1)(a), (C)(2), and (D), and to repeal R.S. 11:710(H), relative to the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed as substitute teachers to receive benefits during reemployment; to provide limitations; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 20—
BY SENATOR CORTEZ

AN ACT

To enact R.S. 11:710(A)(5), relative to the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed as adjunct professors to receive benefits during reemployment; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 60—
BY SENATOR RISER

AN ACT

To amend and reenact 47:1923(D)(1), relative to tax assessors; to provide relative to the payment of certain insurance premiums for certain retired assessors and assessors' employees in the parishes of Caldwell and Lincoln; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 60 by Senator Riser

AMENDMENT NO. 1

On page 2, line 2, after "West Carroll," insert "**and**" and after "West Feliciana," strike the remainder of the line and strike line 3 and at the beginning of line 4 strike "decennial census,"

On motion of Senator Dorsey-Colomb, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 80—
BY SENATOR CORTEZ

AN ACT

To enact R.S. 33:423.23, relative to the city of Youngsville, to provide for the authority and disciplinary actions by the chief of police with respect to police personnel; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 98—
BY SENATOR MORRELL

AN ACT

To enact R.S. 40:1510, relative to fire protection districts, municipal fire departments or volunteer fire departments; to allow expenditure of public funds in connection with certain activities; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 119—
BY SENATOR MORRELL

AN ACT

To enact R.S. 17:436.1(K), relative to the administration of medication to public school students; to require public school governing authorities to adopt a policy allowing school nurses to administer certain medication to students under certain circumstances; to provide for definitions; to provide for limitation of liability; to provide for notification of policy; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 138—
BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 32:387.7(B), relative to special permits; to provide relative to special permits for vehicles hauling sugarcane; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 158—
BY SENATOR MORRELL

AN ACT

To enact R.S. 23:968, relative to whistleblower protection; to provide employment protection for a person who reports the sexual abuse of a minor child; to provide a cause of action for certain employees; to provide for damages; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 178—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 33:4574(B)(30), 4574.1.1(A)(30), 4574.2(E), and 4574.6, relative to the Tangipahoa Parish Tourist and Film Commission; to rename the commission; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 217—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 38:2315 and to enact R.S. 38:2183 and R.S. 39:1553.1, relative to equal employment in certain public contracts; to prohibit employment discrimination on the basis of race, religion, national ancestry, age, sex or disability; to provide for the inclusion of certain language in public contracts; to prohibit certain designations not provided for in law; to provide exceptions; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 217 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 10, change "is" to "are"

AMENDMENT NO. 2

On page 3, line 2, change "**Section**," to "**Section**"

On motion of Senator Crowe, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 257—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 30:124(E)(1)(b), relative to the lease of public lands for alternative energy sources; to provide certain terms, conditions, and requirements for certain lands governed by ports, harbors, and terminal districts; to provide for the reimbursement of studies and reports; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 287—
BY SENATOR NEVERS

AN ACT

To enact R.S. 38:2213.1, relative to public works; to provide for fair treatment for materials produced, manufactured, or fabricated in Louisiana used in public works; to provide for definitions; and to provide for related matters.

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Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 287 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 13, after "shall" insert: "make a good faith effort to"

AMENDMENT NO. 2

On page 2, delete lines 1 thru 6 and insert the following: "(2) Bidders shall make a good faith effort to utilize in a public work contract materials produced, manufactured, or fabricated in Louisiana. To meet the good faith effort, bidders shall send written notification to at least one Louisiana firm that can provide materials produced, manufactured, or fabricated in Louisiana that meet bid specifications. Notification must include the specifications, information about required qualifications and specifications, any bonding and insurance information and requirements, or where to acquire such information. Bidders shall submit documentation of their good faith effort to the contracting entity prior to any act to award a contract. Failure to provide this information shall be grounds for finding a bidder non-responsive."

AMENDMENT NO. 3

On page 2, after line 23, insert: "E. The provisions of this Section shall not apply where federal funding participation does not allow application of this Section to the contract and will result in the loss of such federal funding."

On motion of Senator Adley, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 289— BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 38:3086.6, relative to the Teche-Vermilion Fresh Water District; to authorize the Coastal Protection and Restoration Authority to provide engineering assistance and services to the district; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 309— BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 17:10.2 and to repeal R.S. 17:7(19), relative to the school and district accountability system; to provide relative to certain requirements for educational improvement plans; to remove certain requirements relative to submission of school improvement plans; to require the Department of Education to provide trend data reports to the governing authority of each public school; to repeal provision relative to implementation of a school improvement pilot program; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 312— BY SENATOR CORTEZ

AN ACT

To enact R.S. 33:2571, relative to the position of assistant chief of police in certain municipalities; to provide that the position of assistant chief of police in the municipalities of Broussard,

Carencro, Scott and Youngsville shall be in the unclassified service; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 341— BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 56:699.5(A) and (B) and to repeal R.S. 56:699.1 and 699.2, relative to the firearm and hunter education courses; to provide for firearm and hunter education requirements; to provide terms and conditions for exceptions from firearm and hunter education; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 341 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 2, after "(B)" insert "and 699.6"

AMENDMENT NO. 2

On page 1, line 7, after "(B)" insert "and 699.6"

AMENDMENT NO. 3

On page 2, line 10, after "has" insert "a valid hunting license or"

AMENDMENT NO. 4

On page 2, between lines 23 and 24 insert the following: "§699.6. Firearm and hunter education exemption

The provisions of R.S. 56:699.1, 699.2, and 699.5 shall not apply to any active or veteran member of the United States armed services or to any POST-certified law enforcement officer or to any individual with current POST-certification. The commission may adopt rules to implement this Section including rules regarding evidence of such service. Application for the exemption authorized in this Section shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge, or at any other location designated by the department."

On motion of Senator Long, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 361— BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 33:9106.2(B)(1), (C) and (D), relative to the Orleans Parish Communication District; to provide for fixed rate service charges relative to 9-1-1 emergency calls; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 361 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 17, change "One dollar and eighty-nine cents" to "Two dollars"

AMENDMENT NO. 2

On page 2, line 2, delete "and thirty-eight cents"

AMENDMENT NO. 3

On page 2, between lines 5 and 6, insert:

"(d) Two dollars per month per residential broadband connection.

"(e) Three dollars per month per commercial broadband connection."

AMENDMENT NO. 4

On page 2, at the beginning of line 14, before "Notwithstanding" insert "C."

On motion of Senator Dorsey-Colomb, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 367—

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 23:1123, 1142(A)(1), 1203(E), 1307, and 1317.1(A), relative to workers' compensation; to provide relative to independent medical examinations; to provide that certain information be given to certain injured workers; to provide relative to utilization review companies; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 367 by Senator Riser

AMENDMENT NO. 1

On page 1, line 2, change "1142(A)(1)" to "1142(A) and (B)(1)"

AMENDMENT NO. 2

On page 1, line 7, change "1142(A)(1)" to "1142(A) and (B)(1)"

AMENDMENT NO. 3

On page 1, line 12 after "work," delete "or the current medical treatment for the employee,"

AMENDMENT NO. 4

On page 2, line 7, delete "**or the utilization review company retained by that entity**"

AMENDMENT NO. 5

On page 2, between lines 7 and 8, insert the following:

"(2) "Utilization review company" shall mean the company or entity which contracts with the payor and reviews the claimant's medical records and information and makes the determination of medical necessity in accordance with this Chapter, for the purposes of assisting the payor with the authorization of the claimant's medical care, services and treatment requested pursuant to this Chapter.

B. Nonemergency care. (1)(a) Except as provided herein, each health care provider may not incur more than a total of seven hundred fifty dollars in nonemergency diagnostic testing or treatment without the mutual consent of the payor and the employee as provided by regulation. Except as provided herein, that portion of the fees for nonemergency services of each health care provider in excess of seven hundred fifty dollars shall not be an enforceable obligation against the employee or the employer or the employer's workers' compensation insurer unless the employee and the payor have agreed upon the diagnostic testing or treatment by the health care provider.

(b)(i) The payor may contract with a utilization review company to assist the payor in determining if the request for nonemergency diagnostic testing or treatment, in an amount which exceeds seven hundred fifty dollars, is a medical necessity pursuant to this Chapter.

(ii) A medical necessity determination by a utilization review company and the payor's consent to authorize the requested nonemergency diagnostic testing and treatment shall

only require a review of the claimant's medical records and shall not require an examination of the employee."

On motion of Senator Crowe, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 375—

BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 56:266(D), relative to the Louisiana Fur Public Education and Marketing Fund; to provide for the trapping license fees; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 386—

BY SENATOR WARD

AN ACT

To amend and reenact R.S. 23:1201(E), relative to timely payment of medical bills; to provide for a shorter time frame for timely payment for providers who utilize the electronic billing rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 387—

BY SENATOR WARD

AN ACT

To amend and reenact R.S. 56:125(B), relative to hunting; to provide certain requirements for the possession of game quadrupeds; to provide for the positive evidence of sex identification of deer and turkey; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 437—

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 23:1553(A), 1576, 1601(8), 1713, 1714, and 1726, relative to unemployment compensation; to provide for separation notices; to provide for method of calculation regarding the experience-rating account of an employer; to provide for disqualification of employee benefits subsequent to commission of a fraudulent act; to provide for the recovery of overpayment of benefits; to provide relative to the overpayment of benefits; to provide for the payment of certain benefits; to provide for penalties; and to provide for related matters.

Reported by substitute by the Committee on Labor and Industrial Relations. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (Substitute of Senate Bill No. 437 by Senator Crowe)

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 23:1513(A)(1), 1553(A), 1576, 1601(8), 1713(B) and (C), 1714, and 1726 and to enact R.S. 23:1531.1(E), relative to unemployment compensation; to provide for the penalty and interest account; to provide for filing certain documents; to provide for separation notices; to provide for method of calculation regarding the experience-rating account of an employer; to provide for disqualification of employee benefits subsequent to commission of a fraudulent act; to provide for the recovery of overpayment of benefits; to provide for the payment of certain benefits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1513(A)(1), 1553(A), 1576, 1601(8), 1713(B) and (C), 1714, and 1726 are hereby amended and reenacted and R.S. 23:1531.1(E) is hereby enacted to read as follows: §1513. Penalty and interest account

A.(1) There is hereby created in the employment security administration fund an account which shall be known as the penalty and interest account. All interest, fines, and penalties, regardless of when the same became due and payable, collected from employers and claimants under the provisions of this Chapter subsequent to January 1, 1951, shall, notwithstanding provisions of R.S. 23:1491, 1543 and 1551, be paid into this account, except as otherwise provided by this Chapter, and shall at no time be considered to be a part of the unemployment compensation fund.

§1531.1. Electronic filing of contribution and wage reports; employer registrations

E. The executive director may require all employers to electronically file all registrations and status reports due after January 31, 2014.

§1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

A. Benefits charged after a requalification of a claimant pursuant to the requirements of R.S. 23:1601(1), (2), (3), or (10) shall not be charged against the experience-rating account of an employer who timely filed forms LOES-77, LOES-110, LOES-106, or LOES-152 and the separation was determined to be under disqualifying conditions when all of the following occurs:

(1) The employer timely filed a separation notice alleging disqualification.

(2) Either a response to a notice of claim filed or a response to a notice to base period employer has been filed.

(3) The separation of the employee from the employer was determined to be under disqualifying conditions.

§1576. Notice of separation

Each state board, commission, department, agency, or other employing authority of the state, including but not limited to school boards and police juries, employer shall file with the administrator a notice of separation from service in a form prescribed by the administrator with respect to each employee who leaves its employ for any cause which may be potentially disqualifying and shall therein state provide the date of separation, a full explanation of and the cause or causes therefor, and all requested information about payments made to the separated employee. The notice shall be mailed, delivered or transmitted to the administrator and to the separated employee within three days after the date on which the separation from service occurred.

§1601. Disqualification for benefits

An individual shall be disqualified for benefits:

(8)(a) For the week, or fraction thereof, with respect to which he makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact in obtaining or increasing benefits, whether or not he is successful in obtaining or increasing benefits, or thereby otherwise due to his fraud receives any amount as benefits under this Chapter to which he was not entitled, for the remainder of the benefit year subsequent to the commission of the fraudulent act and continuing for the fifty-two weeks which immediately follow the week in which such determination was made. All benefits paid with respect to such weeks shall be immediately due and on demand paid in accordance with department regulations to the administrator for the fund and such individual shall not be entitled to further benefits until repayment has been made or the claim for repayment has prescribed. If information indicating a claimant has earned any unreported wages for weeks claimed is obtained by the administrator, prior to the administrator rendering a determination on the issue the claimant shall be notified by mail or other delivery method. The claimant shall have seven days from the date of mailing to respond, or if notice is not by mail, then the claimant shall have seven days from the delivery date of such notice to respond.

(b) A claim for repayment under this Section shall prescribe against the state five ten years from the date the administrator determines that repayment is due. This prescription shall be interrupted for the period of time during which an appeal is pending, by the filing of suit for collection by the administrator or by an acknowledgement or partial payment of the indebtedness. Any disqualification decision or determination pursuant to this Paragraph may be appealed in the same manner as from any other disqualification imposed under this Chapter.

§1713. Waiver of recovery and recovery of benefits improperly received by beneficiary

B. The issue of waiver of the right of recovery of any overpayment of benefits shall be heard upon any appeal of such determination or assessment of overpayment. The appeal referee, board of review, or any court of jurisdiction, or the administrator pursuant to the conditions under Subsection C, may waive the right of recovery of any overpaid benefits received by any person who has received such benefits under this Chapter while any conditions for the receipt thereof were not fulfilled in his case, or while he was disqualified from receiving such benefits, provided that the when all of the following occurs:

(1) The receipt of said benefits did not come within the fraud provisions of R.S. 23:1601(8); the,

(2) The overpayment was without fault of the claimant; In determining whether the claimant was at fault, whether the claimant provided inaccurate information, failed to disclose a material fact, or knew or should have known that he was not entitled to benefits shall be considered, and any such act by the claimant shall preclude the granting of a waiver, and the

(3) The recovery thereof would defeat the purpose of benefits otherwise authorized or the recovery thereof would be against equity and good conscience. In determining whether the recovery of the overpayment would be against equity and good conscience, whether recovery would render the claimant unable to cover ordinary living expenses for six months, and whether the claimant was notified that a reversal on appeal would result in an overpayment of benefits shall be considered.

C. If a claimant who is assessed an overpayment does not file an appeal of such assessment, or if a claimant files an untimely appeal to the appeal referee, he may then submit to the administrator a request for waiver of overpayment in accordance with the regulations established by the administrator. The administrator may waive the right of recovery of any such overpaid benefits received by the claimant under the same criteria as above stated in Subsection B. The administrator shall issue a notice of determination either granting or denying the request for waiver of the overpayment. If the claimant disagrees with the determination, he may file an appeal as provided for in R.S. 23:1629 et seq.

D(1) If the receipt of benefits causing an overpayment is not waived, including fraud cases covered under R.S. 23:1601(8), the amount due Any amount of benefits for which a person is determined to have been overpaid and the overpayment is not waived shall, in the discretion of the administrator, be either deducted from any benefits payable to the claimant under this Chapter or he shall repay the administrator for the unemployment compensation fund a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided for the collection of past due collections.

(2) A claim for repayment of benefits which did not come within the fraud provisions of R.S. 23:1601(8) shall prescribe against the state three five years from the date of the expiration of the benefit year of the claim on which the overpayment occurred. This prescription shall be interrupted for the period of time during which an appeal is pending, by the filing of suit for collection by the administrator, by an acknowledgement or partial payment of the indebtedness, or as provided by R.S. 23:1741 and 1742.

(4) Whenever an overpayment has been assessed in the amount of one hundred dollars or more, and the claimant fails to repay the overpayment within thirty days after the claimant's appeal rights have been exhausted and the determination becomes final, the administrator or his duly authorized

representatives may recover such overpayments through a garnishment of the wages of the claimant under the laws of this state unless the claimant has entered into a voluntary repayment plan and has timely made all payments required thereby.

§1714. Penalties

A. A civil penalty shall be assessed if benefits are determined to have been overpaid as a result of a fraud disqualification made pursuant to R.S. 23:1601(8) in the amount of twenty dollars or twenty-five percent, whichever is greater, of the total overpayment amount. Except as otherwise provided in Subsection C and any provisions of law in this state relating to the deposit, administration, release, or disbursement of money in the possession or custody of this state to the contrary notwithstanding, fifteen percent of each such overpayment amount recovered shall be deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this state in the Unemployment Trust Fund established and maintained pursuant to 42 U.S.C.A. §1101, et seq., as amended, and ten percent of each such overpayment amount recovered shall be deposited in the penalty and interest account established by R.S. 23:1513 and used to offset collection expenses.

B. In all other instances, a penalty shall be assessed; if legal collection efforts are pursued, the claimant does not voluntarily repay overpaid benefits within thirty days after the claimant's appeal rights have been exhausted and the determination becomes final in the amount of twenty dollars or twenty-five percent, whichever is greater, of the total overpayment debt unless the claimant has entered into a voluntary repayment plan and has timely made all payments required thereby. Penalties collected under this Section shall be deposited in the penalty and interest account established by R.S. 23:1513 and used to offset collection expenses.

C. No penalties may be withheld from amounts recovered by an offset from unemployment compensation benefits.

§1726. Legal effect of assessments; when collectible

A. All assessments under this part shall be tantamount to and the equivalent of judgments of courts. The assessments are final when made subject only to modification by an appeal as provided in R.S. 23:1728 or reassessment as provided in R.S. 23:1725. Assessments are immediately collectible when made and any employer may waive any delays and notices provided for in this part.

B. No employer against whom an assessment under this Part is in effect and whose right to appeal the assessment is exhausted may submit a bid or proposal for or obtain any contract pursuant to Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 and Chapters 16 and 17 of Title 39 of the Louisiana Revised Statutes of 1950. This prohibition shall cease upon payment in full of the amount due under the assessment.

On motion of Senator Crowe, the committee substitute bill was adopted and becomes Senate Bill No. 676 by Senator Crowe, substitute for Senate Bill No. 437 by Senator Crowe.

SENATE BILL NO. 676— (Substitute of Senate Bill No. 437 by Senator Crowe)

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 23:1513(A)(1), 1553(A), 1576, 1601(8), 1713(B) and (C), 1714, and 1726 and to enact R.S. 23:1531.1(E), relative to unemployment compensation; to provide for the penalty and interest account; to provide for filing certain documents; to provide for separation notices; to provide for method of calculation regarding the experience-rating account of an employer; to provide for disqualification of employee benefits subsequent to commission of a fraudulent act; to provide for the recovery of overpayment of benefits; to provide for the payment of certain benefits; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

SENATE BILL NO. 454—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 41:1212(D) and to enact R.S. 41:1323.6, relative to school lands; to provide exemptions from the public lease law for certain school lands; to ratify and confirm certain leases of certain school lands; to ratify and confirm certain leases of sixteenth section lands; to provide terms and conditions; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 491—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 33:4702(B)(2)(c), (h), and (i), and (6)(b), and to enact R.S. 33:4702(B)(6)(c), relative to Orleans Parish; to change references to a specific legislative district in Orleans Parish which has appointing authority for members serving on the board of the New Orleans Regional Business Park; to provide for the board's membership and term of office; and to provide for related matters.

Reported by substitute by the Committee on Local and Municipal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7) and 4702 (D), (E), and (F) and to enact R.S. 33:4701(D) and 4702(C)(3), (H), (I), and (J), relative to Orleans Parish; to change references to legislative districts in Orleans Parish which has appointing authority for members serving on the board of the New Orleans Regional Business Park; to provide for the board's membership, term of office, its powers and duties; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7) and 4702 (D), (E), and (F) are hereby amended and reenacted and R.S. 33:4701(D) and 4702(C)(3), (H), (I), and (J), are hereby enacted to read as follows:

§4701. The New Orleans Regional Business Park; creation and powers

* * *

D. The governing authority of the city of New Orleans, referred to in this Section, collectively, as the "city council", shall have such power and control over and responsibility for the functions, affairs, and administration of the district as provided in R.S. 33:4702.

§4702. Board of commissioners; appointment and term; organization; powers; levy of ad valorem taxes and issuance of bonds

* * *

B. (1) In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, projects, improvements, and facilities to be provided or furnished by the district, and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the functions, operation, purposes, and developments of the district, the New Orleans Regional Business Park shall be managed by a board of commissioners comprised of qualified voters and Louisiana residents who reside within the district.

(2) The board shall be composed of ~~twelve~~ eleven members who shall be appointed as follows:

(a) ~~The New Orleans Chamber of Commerce United States Representative who represents congressional district number 2~~ shall appoint one member.

b) The state representative senator whose representative senatorial district is defined in R.S. ~~24:35.5(A)(100)~~ R.S. 24:35(A)(4) shall appoint one member.

(c) The state senator whose senatorial district is defined in R.S. ~~24:35.1 as District 2~~ R.S. 24:35(A)(3) shall appoint ~~two members~~ one member.

(d) The councilpersons of the ~~representing~~ representing council districts ~~D and E~~, in which the New Orleans Regional Business Park is located, shall ~~each~~ appoint one member.

(e) The mayor of the city of New Orleans shall appoint ~~three members~~ one member.

(f) The state representative whose representative district is defined in R.S. ~~24:35.5(A)(103)~~ 24:35.2(99) shall appoint one member.

(g) The state representative whose representative district is defined in R.S. ~~24:35.5(A)(101)~~ 24:35.2(100) shall appoint one member.

(h) The secretary of the Department of Economic Development ~~state representative whose representative district is defined in R.S. 24:35.2(103)~~ shall appoint one member.

(i) The board of commissioners of the Port of New Orleans East ~~New Orleans Neighborhood Advisory Commission (ENONAC)~~ shall appoint one member.

(j) The Vietnam Initiatives Economic Training (VIET) shall appoint one member.

(3) (a) Each board member shall serve a term of two years.

(b) Any vacancy in the membership of the board occurring by reason of the expiration of the term of office, or by reason of death, resignation, disqualification, or otherwise, shall be filled by the respective nominating entity within sixty days after receipt by such nominating entity of written notification of the vacancy. In the event that the respective nominating entity fails to fill the vacancy within sixty days after receipt of written notification of the vacancy, the board by a majority vote shall appoint an interim successor to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such member. If the board fails to fill a vacancy in its membership within the next sixty day period, the mayor shall appoint such member. Any board member appointed by the board or mayor pursuant to this Paragraph may be replaced at any time by the nominee of the appointing authority: for the balance of the term.

~~(4)~~ (c) Any member who has unexcused absences of fifty percent or more of the meetings, regular and special, of the board in any calendar year shall be disqualified and removed automatically from office and that person's position shall be vacant, as of the first day of the succeeding calendar year. Such vacated position shall be filled by the respective nominating entity for the balance of the vacated term within fifteen days. If unfilled after the fifteen day, the board by a majority vote, shall appoint an interim successor to serve on the board for the balance of the term. The former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

(4) (a) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all regular and special meetings and shall make them available to the public in conformance with law.

(b) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business and affairs and shall engage such assistants and employees as are needed to assist the board in the performance of its duties. It shall hold regular meetings as shall be provided by its bylaws and may hold special meetings at such time and places within or without the districts as may be prescribed in its rules or regulations.

(6)(a) Board members appointed pursuant to Subparagraphs (2)(a) through (m) of this Subsection shall serve three-year terms after such initial terms as provided in Subparagraphs (2)(a) through (m) of this Subsection. Appointed board members shall be eligible for reappointment: The members of the board shall serve without compensation.

(b) Any member of the board appointed pursuant to Subparagraphs (2)(a) through (h) of this Subsection may be removed by his respective appointing authority a majority vote of the board at any time, with or without cause.

(c) No board member appointed pursuant to Subparagraphs (2)(a), (b), (c), (f), (g), or (h) of this Subsection shall sit on the board more than sixty days after the end of the term of office of the appointing authority that appointed that board member without being reappointed to the board in the manner for which appointments to the board are provided for in Paragraphs (2) or (3) of this Subsection.

(7) (a) Nothing in this Part or any other provision of law shall be construed to prohibit a member of the board from owning, operating, participating with, or otherwise engaging in any transaction with a business entity located within the district.

(b) Any member of the board may serve on the board of a private entity which enters into contracts with the district provided that the member does not receive compensation from the private entity.

~~C.~~ * * *
~~D.~~ (3) The executive director, with the concurrence of the board of the district, may hire such staff and other necessary personnel as may be necessary to carry out the directions and instructions of the board and may perform such other acts as may be directed by the board.

D. (1) All services to be furnished within the district may be furnished, supplied, and administered by the city of New Orleans through its regularly constituted departments, agencies, boards, commissions, and instrumentalities as appropriate in the circumstances; and all capital improvements and facilities to be acquired, constructed, or provided within the district, whether from the proceeds of bonds or otherwise, may likewise be so acquired, constructed, or provided by the city of New Orleans through its regularly constituted departments, agencies, boards, commissions, and instrumentalities as appropriate in the circumstances, it being the intention hereof to avoid absolutely the duplication of administrative and management efforts and expense.

(2) In order to provide such services and to provide, construct, or acquire such capital improvements or facilities, the board may enter into contracts with the city of New Orleans. The cost of any such services, capital improvements, and facilities may be paid to the city of New Orleans from the proceeds of the special tax levied upon immovable property within the district as provided in this Section, or from the proceeds of bonds, as the case may be.

(3) However, with the prior approval of the mayor and the city council, when the service sought is not ordinarily provided by the city of New Orleans, the board may contract with other entities subject to approval of the mayor and the city council, for such services. The cost of such specially contracted services shall be paid for by the board with its funds budgeted therefor.

(4) Notwithstanding the provisions of this Subsection, the board may exercise all of the powers normally granted to community development districts as provided in R.S. 33:9039.19, 9039.20, and 9039.32.

E. (1) The board city council, in addition to all other taxes which it is now or hereafter may be authorized by law to levy and collect, is hereby authorized to levy and collect, as provided in this Section, for a term not to exceed fifty years from and after the date the first tax is levied pursuant to the provisions of this Section, in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city are levied and collected, a special ad valorem tax upon all taxable ~~real~~ immovable property situated within the boundaries of the district except property occupied in whole or in part as a residence by an owner thereof. The number of mills hereby authorized shall not exceed twenty mills on the dollar of assessed valuation on all taxable property within the district.

(2) The tax shall be levied and collected only after the question of its imposition has been submitted to and approved by a majority of the qualified voters of the district voting on the question at a regularly scheduled primary or general election to be conducted in accordance with provisions of the Louisiana Election Code. Any tax levied pursuant to the provisions of this Section shall be subject to the homestead exemption as provided by Article VII, Section 20 of the Constitution of Louisiana.

(3) The tax, when levied, shall be from year to year, or for such period of years not to exceed fifty years as may be designated in the resolution by which the election is called on the question of the imposition of said tax. No such tax shall be levied until a plan requiring or requesting the levy of a tax is finally and conclusively adopted in accordance with the procedures prescribed in this Section.

(4) The proceeds of the tax shall be used solely and exclusively for the purposes and benefit of the district. The proceeds shall be paid over to the Board of Liquidation, City Debt, day-by-day as the same are collected and received by the appropriate officials of the city of New Orleans and maintained in a separate account. The tax proceeds shall be paid out by the Board of Liquidation, City Debt, solely for the purposes provided for in this Section upon warrants or drafts drawn on such Board of Liquidation, City Debt, by the appropriate officials of the city and the treasurer of the district.

F.(1) The board city of New Orleans, when requested by resolution adopted by a vote of a majority of the members of the board of the district, shall have power and is hereby authorized to incur indebtedness for and on behalf and for the sole and exclusive benefit of the district, and to issue at one time, or from time to time, negotiable bonds, notes and other evidence of indebtedness, herein referred to collectively as bonds, of the district, the principal of, premium if any, and interest on which shall be payable solely from the proceeds of the special tax authorized, levied, and collected pursuant to the provisions of this Section for the purpose of paying the cost of acquiring and constructing capital improvements, projects, and facilities within the district. Such bonds shall not constitute general obligations of the city of New Orleans, nor shall any property situated within the city other than property situated within the boundaries of the district be subject to taxation for the payment of the principal of, premium, if any, and interest on such bonds. Furthermore, any indebtedness incurred by the city of New Orleans for and on behalf and for the benefit of the district pursuant to the provisions of this Section, whether evidenced by bonds, notes or other evidences of indebtedness, or otherwise, shall be excluded in determining the power of the city of New Orleans to incur indebtedness and to issue its general obligation bonds. All such bonds shall be sold by the board, and shall bear such rate or rates of interest, and shall, except as herein otherwise specifically provided, be in such form, terms, and denominations, be redeemable at such time or times at such price or prices, and payable at such times and places, within a period of not exceeding fifty years from the date thereof, as the board, shall determine.

(2) The bonds shall be signed by the chairperson of the board of commissioners the mayor of the city of New Orleans and the director of finance of the city of New Orleans, or officers exercising a similar function, and countersigned by the secretary of the board president or vice president and the secretary or assistant secretary of the Board of Liquidation, City Debt, provided that in the discretion of the Board of Liquidation, City Debt, all but one of such signatures may be in facsimile, and the coupons attached to the bonds shall bear the facsimile signatures of the chairperson and the secretary director of finance and the secretary or assistant secretary. In case any such officer whose signature or countersignature appears upon such a bond or coupon shall cease to be such officer before delivery of the bonds or coupons to the purchaser, such signature or countersignature shall nevertheless be valid for all purposes. The cost and expense of preparing and selling the bonds authorized herein shall be paid out of the proceeds realized from the sale of such bonds.

(3) The resolution of the board Board of Liquidation, City Debt, authorizing the issuance and sale of such bonds and fixing the form and details thereof, may contain such other provisions, not inconsistent or in conflict with the provisions of this Section, as it may deem to be necessary or advisable to enhance the marketability and acceptability thereof by purchasers and investors, including, but without limiting the generality of the foregoing, covenants with bond holders setting forth (a) conditions and limitations on the issuance of additional bonds constituting a lien and charge on the special tax levied on real property within the district *pari passu* with bonds theretofore issued and outstanding and (b) the creation of reserves for the payment of the principal of and interest on such bonds. These bonds and the interest thereon are exempt from all taxation levied for

state, parish or municipal or other local purposes; and savings banks, tutors of minors, curators of interdicts, trustees and other fiduciaries are authorized to invest the funds in their hands in the bonds.

(4) The Board of Liquidation, City Debt, as now organized and created, and with the powers, duties, and functions prescribed by existing laws, shall be continued so long as any bonds authorized by this Section are outstanding and unpaid.

* * *

H. The district shall have the power to acquire, to lease, to insure, and to sell immovable property within its boundaries.

I. The district shall have the power to advance to the city of New Orleans funds for payment for services rendered by the city pursuant to a contract or contracts between the district and the city.

J.(1) Notwithstanding any other provision of law to the contrary, if the board determines, in its discretion, that it is in the best interest of the taxpayers and that completion of public improvements and facilities will be expedited, the design and construction phases of any project may be combined.

(2) The board shall adopt and promulgate rules for administering design-build contracts. Such procedures shall include but not be limited to:

(a) Prequalification requirements of competitors for design-build projects.

(b) Public announcement procedures for solicitation of interested design-build competitors.

(c) Scope of service requirements to be met by the successful designer-builder.

(d) Requirements of letters of interest by competitors for the design-build contract.

(e) Criteria and procedures for choosing a short list of interested competitors from which to request the submission of technical proposals.

(f) Requirements for bid proposals by competitors for design-build contracts.

(g) Composition of and appointment of qualified individuals to the technical review committee which shall grade and judge the technical proposals for ranking and recommendation to the board.

(h) Selection, process of award, and execution of the design-build contract for a stipulated sum certain.

(3) Notwithstanding any other provision of law to the contrary, the board may utilize a competitive request for proposals process to select a design-build contractor as follows:

(a) For a contract to be let under the provisions of this Subsection, the board shall give adequate public notice of the request for proposals by advertising in the official journal of the city at least thirty days before the last day that proposals will be accepted. In addition, the board shall mail written notice to persons, firms, or corporations who are known to be in a position to furnish the required services at least thirty days before the last day that proposals will be accepted.

(b) The request for proposals shall clearly indicate the relative importance of price and other evaluation factors, the criteria to be used in evaluating the proposals, and the time frames within which the work must be completed.

(c) Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors.

(d)(i) The contract award shall be made to the responsible offeror whose proposal is determined in writing by the board to be the most advantageous to the district, taking into consideration review of price and the evaluation factors set forth in the request for proposals.

(ii) A request for proposals or other solicitation may be canceled or all proposals may be rejected only if it is determined, based on reasons provided in writing, that such action is taken in the best interest of the district.

(e) Each contract entered into pursuant to this Subsection shall contain at a minimum:

(i) Description of the work to be performed and objectives to be met, as applicable.

(ii) Amount and time of payments to be made.
(iii) Description of reports or other deliverables to be received, when applicable.
(iv) Date of reports or other deliverables to be received, when applicable.
(v) Responsibility for payment of taxes, when applicable.
(vi) Circumstances under which the contract can be terminated either with or without cause.
(vii) Remedies for default.
(viii) A statement giving the legislative auditor the authority to audit records of the individuals or firms.
(f) When written proposals are submitted by offerors, the proposals of the successful offeror shall be incorporated into the final contract consummated with that offeror.

(4) There shall be no challenge by any legal process to the choice of the successful designer-builder other than for fraud, bias for pecuniary or personal reasons not related to the interest of the taxpayers, or arbitrary and capricious selection by the board. Once the designer-builder has been chosen and a contract for a stipulated sum certain executed, the price of the design-build contract shall not be increased other than for inflation, as prescribed in the contract, and for site or other conditions existing at the site or concerning the design and construction of which the designer-builder had no knowledge and should not have had knowledge as a reasonable possibility.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Dorsey-Colomb, the committee substitute bill was adopted and becomes Senate Bill No. 677 by Senator Morrell, substitute for Senate Bill No. 491 by Senator Morrell.

SENATE BILL NO. 677—
 BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7) and 4702 (D), (E), and (F) and to enact R.S. 33:4701(D) and 4702(C)(3), (H), (I), and (J), relative to Orleans Parish; to change references to legislative districts in Orleans Parish which has appointing authority for members serving on the board of the New Orleans Regional Business Park; to provide for the board's membership, term of office, its powers and duties; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

SENATE BILL NO. 496—
 BY SENATOR PERRY

AN ACT

To amend and reenact Section 7(B) of Act No. 333 of the 1972 Regular Session of the Louisiana Legislature as amended by Act No. 56 of the 1987 Regular Session of the Louisiana Legislature and Act No. 17 of the 1998 First Extraordinary Session of the Louisiana Legislature and to enact R.S. 33:423.23, relative to the city of Kaplan; to provide for the authority of the chief of police regarding police personnel; to provide that the position of assistant to the chief of police shall be in the unclassified service; to provide for the authority of the assistant to the chief of police; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 499—
 BY SENATOR RISER

AN ACT

To enact R.S. 39:1405.5, relative to the issuance of debt by political subdivisions; to prohibit the State Bond Commission from approving the issuance of bonds, notes, or other evidences of indebtedness of political subdivisions against whom there is filed certain unpaid judgments; to provide for the filing of notices of certain unpaid eligible judgments with the State Bond Commission; to provide that eligible judgments shall include judgments owed for goods, services, or work performed under a contractual obligation; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 499 by Senator Risser

AMENDMENT NO. 1

On page 1, line 4, after "indebtedness" change "of" to "related to"

AMENDMENT NO. 2

On page 2, line 8, after "**judgment**" insert "**which has become final and nonappealable**"

AMENDMENT NO. 3

On page 2, line 11, after "**obligation**" change the comma "," to "**and**"

AMENDMENT NO. 4

On page 2, line 12, after "**located**" delete the remainder of the line and delete lines 13 and 14, and insert a period "."

On motion of Senator Risser, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 502—
 BY SENATOR CLAITOR

AN ACT

To enact R.S. 38:3097.8, relative to water quality; to require annual reports from certain special districts regarding water quality and use and saltwater intrusion or encroachment; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 512—
 BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 18:1300.31(A)(1), (2), (5), and (7), (B), (C), (D), (E), and (F), and 1300.33 (A) and (B), and R.S. 33:9100.21(B) and (C), and to repeal R.S. 18:1300.32, relative to crime prevention and security districts; to streamline the procedure by which municipalities and parishes may create such districts and levy parcel fees; to remove all references to the need for a petition to request an election for the approval of such districts; to remove the requirement that an election must be held to approve the creation of such districts; to authorize municipalities and parishes to create such districts; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 512 by Senator Morrell

AMENDMENT NO. 1

On page 5, line 21, strike thru "approving" and insert "to approve"

On motion of Senator Dorsey-Colomb, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 523—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 38:330.8(B), relative to authority of levee districts; relative to the funding of the Algiers Levee District and the Orleans Levee District; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 525—

BY SENATOR ALLAIN

AN ACT

To enact R.S. 30:28(I), relative to drilling permits; to require the commissioner of conservation to provide thirty days notice to landowners affected by certain drilling operations; to provide terms, conditions, and requirements; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 525 by Senator Allain

AMENDMENT NO. 1

On page 1, delete lines 11 through 14 and insert:

"(1) The commissioner, in accordance with the Administrative Procedure Act, shall promulgate rules, regulations and orders necessary to require the applicant for a drilling permit to provide notice to the owner of the property on which the operations described in the drilling permit are to be conducted. Such rules, regulations and orders shall provide for exceptions for emergency situations to prevent damage to the land or environment, or for public safety. No rules, regulations, or orders by the commissioner shall extend the term of a mineral lease.

"(2) The notice required by this Subsection shall be provided at least thirty days in advance of entry onto the property described in such permit and shall be provided in the form required by the commissioner.

"(3) A surface use agreement or mineral lease with the landowner shall satisfy the notice required by this Subsection."

On motion of Senator Long, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 549—

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 47:302.27, relative to disposition of certain collections in St. Martin Parish; to provide for appropriations from the St. Martin Parish Enterprise Fund to the St. Martin Parish government; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 558—

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 32:1306(C)(3)(a), relative to the operation of official motor vehicle inspection stations; to reduce the additional fee charged for motor vehicle inspection in non-attainment parishes and municipalities; to eliminate the two dollar fee transferred to the Department of Environmental Quality; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 583—

BY SENATOR GALLOT

AN ACT

To authorize the Department of Health and Hospitals to transfer certain state property in Lincoln Parish to Grambling State University; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 583 by Senator Gallot

AMENDMENT NO. 1

On page 1, line 2, delete "Department of Health and Hospitals" and insert "division of administration"

AMENDMENT NO. 2

On page 1, line 3, after "University" insert "and to Louisiana Tech University"

AMENDMENT NO. 3

On page 1, line 7, after "The" delete the remainder of the line and insert "commissioner of administration."

AMENDMENT NO. 4

On page 1, delete lines 9 and 10, and insert "empowered to assign any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of"

AMENDMENT NO. 5

On page 2, delete lines 1 through 8 and insert the following:

"Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate the assignment, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Grambling State University. Any such transfer shall be subject to any leases, easements, servitudes, restrictions and rights-of-way of record or existing concerning the property.

Section 3. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to assign any interest, excluding mineral rights, the state may have to all or any portion of the following parcel of property to Louisiana Tech University:

A certain tract of land, including all improvements located thereon, situated and laying adjacent to Louisiana Technical University property and more particularly described as follows to wit:

Thence a 150 acre tract of land, more or less, with improvements, that is currently being leased by Louisiana Tech University, being situated in Section 23, Township 18, North, Range 4 West, in Lincoln Parish, Louisiana.

Section 4. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions,

and stipulations and to execute such documents as necessary to properly effectuate the assignment, excluding mineral rights, to the property described in Section 3, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Louisiana Tech University. Any such transfer shall be subject to any leases, easements, servitudes, restrictions and rights-of-way of record or existing concerning the property."

On motion of Senator Long, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 601—
BY SENATOR BUFFINGTON

AN ACT

To amend and reenact R.S. 32:1306(C)(1) and (2), relative to motor vehicle inspections; to require official inspection stations to offer one year and two year certificates of inspection; to provide relative to the charge or fee; to provide for technical corrections; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 601 by Senator Buffington

AMENDMENT NO. 1

On page 1, after line 17, insert the following:

"(c) The provisions of Paragraph (1)(b) of this Subsection shall not apply to the inspection programs provided for in Paragraphs (3) and (5) of this Subsection and to student transportation vehicles."

AMENDMENT NO. 2

On page 2, line 12, after "effective" delete the remainder of line 12 and delete lines 13 thru 16 and insert "on September 1, 2012."

On motion of Senator Adley, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 617—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 33:130.402(A)(1) and (F), relative to the St. Tammany Parish Development District; to change the composition of the board of commissioners; to provide for quorum; to provide for special meetings; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 630—
BY SENATOR MORRELL

AN ACT

To enact R.S. 33:9106.3, relative to St. Bernard Parish; to authorize St. Bernard Parish 911 Communications District to levy a fixed rate for emergency telephone service charges; to require voter approval of the fixed rate fee under certain conditions; to provide that the fixed rate fee shall be uniformly applied to residential, commercial, and cellular services; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 630 by Senator Morrell

AMENDMENT NO. 1

On page 2, line 16, after "of this" and before "the" change "Paragraph," to "Subsection,"

On motion of Senator Dorsey-Colomb, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

SENATE CONCURRENT RESOLUTION NO. 35—
BY SENATOR BROWN

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility and costs of providing adequate lighting and needed maintenance to bridges on the state highway system over the Mississippi River and the grounds on which such bridges sit.

Reported favorably by the Committee on Transportation, Highways and Public Works.

The resolution was read by title. Senator Brown moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Peacock
Allain	Guillory	Perry
Amedee	Heitmeier	Peterson
Appel	Johns	Riser
Broome	LaFleur	Smith, G.
Brown	Long	Smith, J.
Buffington	Martiny	Tarver
Claitor	Mills	Thompson
Cortez	Morrell	Walsworth
Crowe	Morrish	Ward
Donahue	Murray	White
Dorsey-Colomb	Nevers	
Total - 35		

NAYS

Total - 0

ABSENT

Adley	Gallot
Chabert	Kostelka
Total - 4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of authorizing the collection of tolls to complete I-49 South.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Senator Broome the resolution was read by title and returned to the Calendar, subject to call.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 412—
BY SENATOR CLAITOR

AN ACT

To enact R.S. 17:3361(A)(6), relative to colleges and universities; to provide relative to leases of college and university properties; to provide relative to leases to certain organizations; to authorize leases to Louisiana businesses to be located in an area of property designated by the college or university as a business incubator or research park; to provide certain terms, conditions, requirements, and definitions; and to provide for related matters.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 412 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 16, delete "**Louisiana**".

On motion of Senator Claitor, the amendments were adopted.

The bill was read by title. Senator Claitor moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Allain	Gallot	Nevers
Amedee	Guillory	Peacock
Appel	Heitmeier	Perry
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Walsworth
Donahue	Morrell	Ward
Dorsey-Colomb	Morrish	White
Total - 36		

NAYS

Total - 0

ABSENT

Adley	Crowe	Peterson
Total - 3		

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Claitor moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 637— (Substitute of Senate Bill No. 83 by Senator Murray)

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 37:2862(7) through (12), 2864(C), (D), and (E), 2865(A) and (C), 2866(A) and (C), and 2870(A)(1), to enact R.S. 37:2865(E), 2866(D), and 2869(A)(3), and to repeal R.S. 37:2864(F), relative to Polysomnographic Practice Act; to

provide for definitions; to remove term limits on the advisory committee members; to provide for technologist; to provide for technicians; to provide with respect to exemptions from state licensure and permit requirements; to provide for prohibitions; and to provide for related matters

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 637 by Senator Murray

AMENDMENT NO. 1

On page 1, line 3, following "R.S. 37:2865(E)" and before "and" delete ", 2866(D)."

AMENDMENT NO. 2

On page 1, line 4, following "repeal" and before "relative to" change "R.S. 37:2864(F)" to "R.S. 37:2862(13) and 2864(F)"

AMENDMENT NO. 3

On page 1, line 11 following "R.S. 37:2865(E)" and before the end of the line delete ", "

AMENDMENT NO. 4

On page 1, line 12, at the beginning of the line and before "and" delete "2866(D)."

AMENDMENT NO. 5

On page 5, line 13 following "**polysomnographic**" and before the end of the line change "**technologists**" to "**technologist**"

AMENDMENT NO. 6

On page 5, line 24, following "Section 2." change "R.S. 37:2864(F) is" to "R.S. 37:2862(13) and 2864(F) are"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Murray proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 637 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2 delete "(7) through (12)," and insert: "(7), (8), (11), and (12)."

AMENDMENT NO. 2

On page 1, delete line 3 and insert: "(C), 2866, and 2870(A)(1), to enact R.S. 37:2865(E) and"

AMENDMENT NO. 3

On page 1, line 10, delete "(7) through (12)" and insert "(7), (8), (11), and (12)"

AMENDMENT NO. 4

On page 1, line 11, after "2866" delete "(A) and (C)"

AMENDMENT NO. 5

On page 1, line 11 after "(E)" delete the comma ", " and on page 1, line 12, delete "2866(D)."

AMENDMENT NO. 6

On page 1, delete line 17 and delete page 2 in its entirety and on page 3, delete lines 1 through 8 and insert the following:

April 3, 2012

"(7) "Individual in training" means an individual who enters the field of polysomnographic technology after January 1, 2006, who must work under the direction and supervision of a registered polysomnographic technologist or the medical director of a sleep center or laboratory and is working towards BRPT registry or completion of a CAAHEP accredited program in polysomnography; or both. This Paragraph shall be null and cease to have effect after January 1, 2011. "Direct supervision" means supervision by someone who is physically present in the area where procedures or services are being provided and who is available to furnish assistance and direction throughout the procedure or service.

(8) "Louisiana State Board of Medical Examiners" means that organization agency established in R.S. 37:1263.

(11) "Polysomnographic technician" or "permit technician" means a registry eligible allied health professional who has completed an accredited CAAHEP educational program in polysomnography: an allied health professional who holds a permit issued by the Louisiana State Board of Medical Examiners to practice polysomnography under the direct supervision of the physician or a qualified allied health professional licensed by the Louisiana State Board of Medical Examiners whose scope of practice includes polysomnography.

(12) "Polysomnographic technologist" or "technologist" means an allied health professional who is credentialed by the Board of Polysomnographic Technologists to perform both diagnostic and therapeutic polysomnograms under the direction and supervision of a physician holds a license to practice polysomnographic technology issued by th Louisiana State Board of Medical Examiners to perform both diagnostic and therapeutic polysomnograms under the direction of a physician.

AMENDMENT NO. 7

On page 3, line 29, and on page 4, line 1, delete "Board of Registered Polysomnographic Technologists" and insert "BRPT"

AMENDMENT NO. 8

On page 4, line 5, delete "taken" and insert "passed"

AMENDMENT NO. 9

On page 4, line 20, delete ", or "permit technician""

AMENDMENT NO. 10

On page 4, delete lines 22 through 29 and insert:

"A. The Louisiana State Board of Medical Examiners may issue a permit to an individual who has applied for the BRPT examination. The permit shall be valid for twelve months until the date on which the results of the qualifying examination are known and acted upon by the Louisiana State Board of Medical Examiners. In order to obtain a permit as a polysomnographic technician, the applicant must demonstrate the following:

(1) The applicant is of good moral character.

(2) The applicant has passed the certification examination offered by BRPT or has completed an educational program accredited by CAAHEP.

B. The permit shall be valid for the lesser of twelve months or the date on which the requirements of R.S. 37:2865 are met.

B. C. The permit shall be renewable only once if the applicant fails the examination or if the applicant fails to take the qualifying examination; however, the Louisiana State Board of Medical Examiners may adopt rules and regulations for certain exceptions to the provisions of this Subsection due to extenuating circumstances.

C. D. The permit shall entitle the individual to use the initials "PSGT-E".

AMENDMENT NO. 11

On page 5, line 6, delete "an accredited CAAHEP" and insert "a CAAHEP accredited"

AMENDMENT NO. 12

On page 5, line 7, delete "for" and insert "from"

AMENDMENT NO. 13

On page 5, line 13, after "or" delete the remainder of the line and delete lines 14, 15, and 16 and insert the following: "a polysomnographic technologist licensed by the Louisiana State Board of Medical Examiners."

On motion of Senator Murray, the amendments were adopted.

The bill was read by title. Senator Murray moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Dorsey-Colomb, Erdey, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists Adley, Crowe, Donahue, Gallot.

Total - 4

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 638— (Substitute of Senate Bill No. 163 by Senator Martiny)

BY SENATOR MARTINY

AN ACT

To enact R.S. 51:704(A)(10), relative to securities; to authorize the taking of certain actions relative to dishonest or unethical practices; to provide relative to the adoption of administrative rules; to provide certain terms and conditions; and to provide for related matters.

The bill was read by title. Senator Martiny moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

Dorsey-Colomb
Erdey
Total - 37

Murray
Nevers

NAYS

Total - 0

ABSENT

Crowe
Total - 2

Donahue

The Chair declared the bill was passed and ordered it sent to the House. Senator Martiny moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules to allow the Senate Committee on Health and Welfare to meet without the required 24-hour notice.

Motion to Make Special Order

Senator Appel asked for and obtained a suspension of the rules to make House Bill No. 974, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 1 on Wednesday, April 4, 2012.

HOUSE BILL NO. 974—

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON AND SENATORS ALARIO AND APPEL
AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, and 414.1, 441, 442, 443, and 444(B)(1), to enact R.S. 17:418 and 532(C), and to repeal R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207, relative to elementary and secondary education; to provide with respect to teachers and other school employees; to provide with respect to local school superintendents, their employment, and their duties and responsibilities; to provide relative to local school boards and their functions and powers; to provide relative to school personnel decisions; to provide relative to school board reduction in force policies; to provide with respect to the salaries and compensation of teachers and other school employees; to provide relative to tenure for school employees and the removal of tenured and nontenured teachers; to provide for effectiveness; and to provide for related matters.

On motion of Senator Appel, House Bill No. 974 was made Special Order of the Day No. 1 on Wednesday, April 4, 2012.

Motion to Make Special Order

Senator Appel asked for and obtained a suspension of the rules to make House Bill No. 976, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 2 on Wednesday, April 4, 2012.

HOUSE BILL NO. 976—

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON
AN ACT

To amend and reenact R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and Part I of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4025, to enact R.S.

17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4), relative to school choice; to provide relative to reports by the superintendent of education; to provide relative to the Student Scholarships for Educational Excellence Program; to provide relative to program eligibility and participation requirements for students and schools; to provide relative to selection and enrollment of eligible students; to provide relative to funding and payments to eligible schools including eligible nonpublic schools; to provide for reports; to provide for the submission of petitions by parents requesting that a school be transferred to the Recovery School District under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary Education for the petition process; to change charter proposal submission time lines; to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type 2 charter school under certain conditions; to authorize the state board to allow the state superintendent of education and the superintendent of the Recovery School District to amend the charter of Type 5 charter schools to accommodate a unified enrollment system; to modify the initial charter period; to provide for charter school admission requirements; to allow foreign language immersion schools to establish special admission standards; to provide for the qualifications of teachers; to provide relative to the evaluation of charter school teachers and other school employees; to provide relative to teacher certification requirements; to remove the requirement that charter schools comply with laws relative to the length of the school year; to provide for the Course Choice Program; to provide for program definitions and funding; to provide for the powers of the State Board of Elementary and Secondary Education and local public school systems relative to course providers; to provide relative to entities that authorize charter schools; to provide for certification of certain state agencies and nonprofit corporations as charter authorizers; to provide relative to the responsibilities of the State Board of Elementary and Secondary Education with respect to certification of such authorizers; to provide relative to requirements, powers, responsibilities, and limitations of such authorizers; to provide relative to schools whose charter is authorized by such entities, including matters related to funding for such schools; to provide for procedures, processes, fees, and regulations; to prohibit persons who have been convicted of any crime defined as a felony from being a local charter authorizer, member, officer or director of a charter school; and to provide for related matters.

On motion of Senator Appel, House Bill No. 976 was made Special Order of the Day No. 2 on Wednesday, April 4, 2012.

Recess

On motion of Senator Thompson, the Senate took a recess at 2:30 o'clock P.M. until 5:00 o'clock P.M.

After Recess

The Senate was called to order at 5:10 o'clock P.M. by the President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Dorsey-Colomb	Murray
Adley	Gallot	Peacock
Appel	Guillory	Peterson
Broome	Johns	Riser

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Brown	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 32		

ABSENT

Allain	Heitmeier	Walsworth
Amedee	Nevers	
Erdey	Perry	
Total - 7		

The President of the Senate announced there were 32 Senators present and a quorum.

Senate Business Resumed After Recess

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 3, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To commend William Goldring as the recipient of the Times-Picayune Loving Cup for 2011.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules to revert to the Morning Hour.

**Introduction of Senate Bills
and Joint Resolutions**

Senator Adley asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 678—
BY SENATOR CROWE

AN ACT

To enact R.S. 1:58.5, relative to special days; to recognize and to establish "Pro-life Sunday" as an annual observance; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 679—
BY SENATOR CROWE

AN ACT

To enact R.S. 1:58.5, relative to special days; to recognize and designate the first Thursday in May as Louisiana's "State Day of Prayer"; to provide for legislative intent; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 680—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 47:1835(A), relative to the tax commission; to provide with respect to the employment of a secretary; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 681—
BY SENATOR CROWE

AN ACT

To amend and reenact Code of Criminal Procedure Article 334.1, relative to bail for a felony involving a firearm; to increase the minimum bail for a defendant who illegally possesses a firearm while in the commission of a felony involving a firearm; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 682—
BY SENATOR CROWE

AN ACT

To amend and reenact Code of Evidence Article 603, Code of Civil Procedure Article 1633(A), Code of Criminal Procedure Article 14(B), and Children's Code Article 115(A), relative to oaths or affirmations of witnesses; to provide for contents of the oath of affirmation of witnesses in civil proceedings, criminal proceedings, and certain legal proceedings involving children; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

SENATE BILL NO. 683—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 38:1607(C) and to repeal Section 2 of Act 319 of the 2011 Regular Session of the Louisiana Legislature, relative to the Sunset Drainage District in St. Charles Parish; to require request of board of commissioners of the Sunset Drainage District before the parish council begins process to become district's governing authority; to repeal the sunset date for parish council to act; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 684—
BY SENATOR ERDEY

AN ACT

To enact R.S. 32:155, relative to motor vehicles; to provide authority to remove vehicles, cargo, or other personal property from roadways; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 685—
BY SENATOR LONG

AN ACT

To enact R.S. 17:406.7, relative to parent-teacher conferences; to require parents to attend at least one conference each year; to require local school boards to adopt rules; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 686—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 14:106(A)(7)(a) and to enact R.S. 14:106(A)(8), relative to the crime of obscenity; to add the intentional transmission of sexually explicit text messages to the definition of the crime of obscenity; to provide for additional definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 687—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 14:98(B), (C), (D)(1), (E)(1), (I), and (K)(3)(a), relative to the crime of operating a vehicle while intoxicated; to provide relative to sentencing guidelines for conviction of operating a vehicle while intoxicated; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 688—
BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 37:3272(A)(18)(h) and 3298(B) and to repeal R.S. 37:3298(D), relative to the Private Security Regulatory and Licensing Law; to provide for definitions; to provide for exceptions, and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE BILL NO. 689—
BY SENATOR APPEL

AN ACT

To enact R.S. 14:34.5.2, relative to assault and battery; to create the crime of battery of a security officer; to provide for definitions; to provide for penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 690—
BY SENATOR BUFFINGTON

AN ACT

To amend and reenact R.S. 36:258(F) and R.S. 46:931, relative to providing services to the elderly; to provide for the Department of Health and Hospitals, office of aging and adult services; to provide for the office of elderly affairs in the office of the governor; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Health and Welfare.

SENATE BILL NO. 691—
BY SENATOR BUFFINGTON

AN ACT

To amend and reenact R.S. 17:3201(A) and (B)(2), 3202, 3215, 3217, and 3218, relative to postsecondary education; to provide relative to colleges and universities and their management boards; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 692—
BY SENATOR NEVERS

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 through 1300.361, relative to care of students with diabetes; to provide for diabetes management and treatment plan; to provide

for individualized health plans; to provide for unlicensed diabetes care assistants and training; to provide for self monitoring and treatment; to provide for immunity; to provide for reporting; to authorize the promulgation of rules and regulations; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 693—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 9:2780.1(A)(2)(a), (A)(5), (B), (C), and (D), to enact R.S. 9:2780.1(G), and to repeal Section 2 of Act No. 492 of the 2010 Regular Session of the Legislature, relative to construction contracts; to provide relative to definitions; to exclude certain contracts; to provide relative to the enforcement of certain clauses in construction contracts; to repeal a provision excluding certain contracts; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 694—
BY SENATOR RISER

AN ACT

To enact R.S. 39:1405.5, relative to the issuance of debt by or on behalf of the state of Louisiana; to prohibit the State Bond Commission from approving the issuance of bonds, notes, or other evidences of indebtedness by or on behalf of the state of Louisiana against whom there is filed certain unpaid judgments; to provide for the filing of notices of certain unpaid eligible judgments with the State Bond Commission; to provide that eligible judgments shall include judgments owed for goods, services, or work performed under a contractual obligation; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 695—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 15:162(A) and to enact R.S. 15:162(I), relative to district public defenders; to provide for the appointment of the district public defender for the Fourth Judicial District; to provide for terms of office; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

SENATE BILL NO. 696—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 24:31.1(B)(2), to provide for the signature required on check issued by the Senate; and to provide with respect to related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 697—
BY SENATOR WALSWORTH

AN ACT

To enact Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize a rebate for certain donations to certain school tuition organizations; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to authorize the Department of Education to conduct audits; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

April 3, 2012

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 698—
BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 34:218 and 219, relative to the Lake Charles Harbor and Terminal District; to provide for additional powers and authority of the district; to provide for the Calcasieu River and Pass Project; to provide for the acquisition of certain lands; to provide terms, conditions, and requirements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 699—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:330.12.1(A) and to enact R.S. 38:330.12 and 330.12.2, relative to the New Orleans Lakefront Airport; to provide relative to the ownership, governance, management, and maintenance of the airport; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 700—
BY SENATOR BROWN

AN ACT

To amend and reenact R.S. 29:729(E)(14) and to enact R.S. 29:729(E)(15), relative to powers and duties of the parish office of homeland security and emergency preparedness; to require the office to establish a voluntary registry of persons with special needs; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

SENATE BILL NO. 701—
BY SENATOR MORRELL

AN ACT

To enact Part VI of Chapter 14 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:2220 and 2221, relative to employment training; to provide for powers and duties of the Louisiana Workforce Commission; to provide for employment training; to authorize the Louisiana Workforce Commission to enter into agreements with private employers for the purpose of training certain employees for jobs; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Labor and Industrial Relations.

SENATE BILL NO. 702—
BY SENATOR HEITMEIER

AN ACT

To authorize the Board of Supervisors of the Louisiana State University System and Agricultural and Mechanical College and LSU Health Sciences Center to transfer certain state property in Orleans Parish; to authorize the commissioner of administration to transfer certain state property in Orleans Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 703—
BY SENATOR AMEDEE

AN ACT

To enact Part XI of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:361 through 368, relative to expropriation; to authorize the governing authority of Ascension Parish to expropriate by a declaration of taking; to provide certain terms, conditions, procedures, definitions, requirements, and effects; to prohibit expropriation for certain purposes; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 704—
BY SENATOR GALLOT

AN ACT

To enact R.S. 40:5.5(H), relative to sanitary inspections of restaurants; to provide for a grading system; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Health and Welfare.

SENATE BILL NO. 705—
BY SENATOR GALLOT

AN ACT

To enact R.S. 18:1266, relative to presidential electors; to enter the state of Louisiana into an interstate compact titled the "Agreement Among the States to Elect the President by National Popular Vote"; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 706—
BY SENATOR GALLOT

AN ACT

To enact R.S. 47:1508(B)(30), relative to the Department of Revenue; to provide with respect to the confidentiality of taxpayer records; to authorize the sharing of information to the Louisiana Public Service Commission in certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 707—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 44:2, relative to public records; to exempt certain records obtained by the Senate for the purpose of confirmation from the public records law; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 708—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:1299.35.2(D) and 1299.35.6(B)(3)(h), relative to abortions; to provide with respect to ultrasound requirements; to provide for informed consent; to provide for penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Health and Welfare.

SENATE BILL NO. 709—
BY SENATOR WARD AND REPRESENTATIVE SCHRODER

AN ACT

To amend and reenact R.S. 17:416.20, to enact R.S. 14:40.8, R.S. 17:418, 418.1 and 418.2, and to repeal R.S. 17:416.13, relative to bullying, criminal bullying and cyberbullying; to create the crime of criminal bullying; to provide for definitions; to provide

for penalties; to provide relative to the student code of conduct; to provide relative to student discipline; to provide for duties; to provide for reporting; to provide for parental notification; to provide for the publication of certain documents; to provide for exceptions; to provide that the Act shall be known as the "Tesa Middlebrook Anti-bullying Act"; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 710—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 15:1302(4), (11) and (15), 1303(A)(1), (2), (3), and (4), (C)(2), (3) and (4), 1304(A), the introductory paragraph of 1308(A) and 1308(B), 1309, the introductory paragraph of 1310(A) and 1310(A)(6), the introductory paragraph of 1310(C) and 1310(C)(5), the introductory paragraph of 1310(D)(1), 1310(E), (F)(1) and (2), the introductory paragraph of 1310(F)(4), 1310(F)(4)(c) and (G), the introductory paragraph of 1310(H)(1) and 1310(H)(2), 1311(C) and the introductory paragraph of 1312(A), relative to the interception of communications; to provides for definitions; to provide relative to authorizations and disclosures; to provide relative to procedures for interception and reporting requirements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

SENATE BILL NO. 711—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 32:667(A)(2) and to enact R.S. 32:667(A)(5), relative to a temporary driver's license; to increase the number of days to request a temporary permit; to provide for the issuance of a temporary driver's license by the commissioner of the office of motor vehicles; to provide for terms, conditions, and procedures; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 712—
BY SENATOR LAFLEUR

AN ACT

To enact Part II-C of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.31 through 1970.34, relative to establishment of an international school; to provide for legislative intent; to create an exploratory committee to develop an implementation plan for an international school; to provide for membership, duties and functions of such committee regarding the establishment of such school; to provide for an effective date to begin operation of the school; to provide for a report; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 713—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 47:463(A)(2), relative to motor vehicle license tax; to provide for the actual value upon which the annual motor vehicle license tax must be based for each renewal; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 714—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:600.87(8), and 600.91(A)(18)(c),(27), and (28)(b)(ii), and to enact R.S. 40:600.91(E), relative to the Louisiana Housing Corporation Act; to provide for the definition of "persons or families of low or moderate income"; to provide for the powers and duties of the corporation; to provide for members on the commission; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 715—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 34:3460 and R.S. 38:2318.1(B) and to enact R.S. 34:3523, relative to contracts let by ports; to authorize ports to use the design-build method as a pilot program on a limited number of construction projects; to provide for a selection process for the design-builder; to provide for notice and advertisement procedures; to authorize a private design professional to develop project descriptions; to establish an evaluation committee and its responsibilities; to establish a technical review committee and its responsibilities; to provide procedures for selection of the successful proposal; to provide a review process; to provide guidelines relative to legal action; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 716—
BY SENATOR ADLEY

AN ACT

To enact Subpart A-1 of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:19, relative to the minimum foundation program and formula; to provide relative to legislative approval of the formula; to provide relative to the format and content of the legislative instrument utilized for legislative approval of the formula; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 717—
BY SENATOR ADLEY

AN ACT

To enact R.S. 24:609, relative to fiscal services; to provide for the preparation of certain reports relative to legislative instruments providing rebates; to provide for the review and analysis of certain data by the legislative fiscal office and the Department of Revenue; to provide for procedures for certain legislative instruments which reduce state revenues; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 718—
BY SENATOR DORSEY-COLOMB

AN ACT

To amend and reenact R.S. 22:1060.3(A) and 1074(D)(2), relative to health insurance; to provide with respect to coverage by a health benefit plan of prescription drugs; to provide relative to guaranteed renewability of coverage in the group and individual market with regard to modifications affecting drug coverage; to provide for applicability; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

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SENATE BILL NO. 719—
BY SENATOR DORSEY-COLOMB
AN ACT

To enact R.S. 14:20 (E), relative to justifiable use of force or violence; to provide for an exception for a presumption in the use of force or violence under certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 720—
BY SENATOR DORSEY-COLOMB
AN ACT

To amend and reenact R.S. 17:3139.3(B), relative to postsecondary education; to provide relative to certain postsecondary education institutions that have declared financial exigency; to preserve the role, scope, and mission of such institutions; to provide for recovery of such institutions that have declared financial exigency; to provide relative to the performance agreements of such institutions; to require the approval by the Joint Legislative Committee on the Budget of any modifications to such performance agreements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 721—
BY SENATOR CHABERT
AN ACT

To enact R.S. 17:1519.2(C), relative to state hospitals operated by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; to provide with respect to funding; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 722—
BY SENATOR APPEL
AN ACT

To amend and reenact R.S. 13:2492(A) and (F), 2495, 2495.1(A), 2496, 2496.1, 2496.3(B), (D), and (E), 2497, 2499, 2501.1(H),(I), and (K), 2507 and 2509, relative to courts and judicial procedure; to provide relative to the Municipal Court and Traffic Court of New Orleans; to provide relative to judges and certain employee positions and salaries; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

SENATE BILL NO. 723—
BY SENATORS APPEL, CHABERT AND MORRELL AND REPRESENTATIVES LEGER AND BROSSETT
AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111 through 3117, relative to the Louisiana International Trade Initiative; to create the Louisiana International Trade Initiative within the Department of Economic Development; to create the Louisiana International Trade Initiative Board; to provide for membership of the board; to provide for powers and duties of the board; to provide for definitions, terms, procedures, and conditions; to provide for development of a master international trade plan and an annual report; to provide for legislative oversight; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE BILL NO. 724—
BY SENATOR WHITE
AN ACT

To amend and reenact R.S. 51:2453, relative to the Louisiana Quality Jobs Programs Act; to provide for definitions, terms, conditions, procedures, and requirements; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE BILL NO. 725—
BY SENATOR GALLOT
AN ACT

To enact Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.851, relative to economic and industrial development districts; to provide for the inclusion of municipal areas in certain parish economic and industrial development districts; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 726—
BY SENATOR CLAITOR
AN ACT

To enact Subpart A-1 of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:19, relative to the minimum foundation program and formula; to provide relative to legislative approval of the formula; to provide relative to the format and content of the legislative instrument utilized for legislative approval of the formula; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 727—
BY SENATOR CLAITOR
AN ACT

To enact R.S. 11:413(11), relative to membership in the Louisiana State Employees' Retirement System; to provide for classes of employees who are ineligible for membership in the system; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

SENATE BILL NO. 728—
BY SENATOR CLAITOR
AN ACT

To enact R.S. 17:7(2)(g), relative to the minimum foundation program and formula; to provide with respect to the inclusion and funding of certain special education students in such formula; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 729—
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 42:1113(D)(2)(b), relative to the Code of Governmental Ethics; to provide for an exception to the prohibition of contractual arrangements for any contract with any plan providing medicaid services to medicaid recipients; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 730—
BY SENATOR THOMPSON

AN ACT

To enact Chapter 4-A of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:1401, relative to the creation of the Bunches Bend Protection District; to provide for the purposes, powers, duties, and governance of the district; to provide for the authority to levy taxes under certain conditions; to provide for the issuance of indebtedness; to authorize cooperative endeavors with the owners of certain land; to provide for certain penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 35—
BY SENATOR CHABERT

A RESOLUTION

To commend Jay Paul Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

The resolution was read by title and placed on the Calendar for a second reading.

SENATE RESOLUTION NO. 36—
BY SENATOR CHABERT

A RESOLUTION

To commend R.J. Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

The resolution was read by title and placed on the Calendar for a second reading.

**Senate Concurrent Resolutions on
Second Reading, Subject to Call**

Called from the Calendar

Senator Morrell asked that Senate Concurrent Resolution No. 44 be called from the Calendar.

SENATE CONCURRENT RESOLUTION NO. 44—
BY SENATOR MORRELL

A CONCURRENT RESOLUTION

To commend and congratulate Ashton Phelps Jr. upon his retirement as publisher of the New Orleans Times-Picayune and as president of The Times-Picayune Publishing Corporation and for his many contributions made to the state of Louisiana.

The concurrent resolution was read by title. Senator Morrell moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Nevers
Adley	Heitmeier	Peacock
Appel	Johns	Peterson
Broome	Kostelka	Riser
Brown	LaFleur	Smith, G.
Chabert	Long	Smith, J.
Claitor	Martiny	Tarver
Cortez	Mills	Thompson
Crowe	Morrell	Walsworth
Dorsey-Colomb	Morrish	Ward
Gallot	Murray	White
Total - 33		

NAYS

Total - 0

ABSENT

Allain	Buffington	Erdey
Amedee	Donahue	Perry
Total - 6		

The Chair declared the Senate adopted the Senate Concurrent Resolution and ordered it sent to the House.

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

April 3, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB NO. 132	HB NO. 369	HB NO. 439
HB NO. 459	HB NO. 466	HB NO. 467
HB NO. 474	HB NO. 499	HB NO. 589
HB NO. 713	HB NO. 764	HB NO. 225
HB NO. 368	HB NO. 541	HB NO. 680
HB NO. 748		

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Adley asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to committee.

HOUSE BILL NO. 132—
BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact Code of Civil Procedure Article 1314(B), relative to service of process; to provide for service of pleadings; to provide with respect to service on an attorney; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 225—
BY REPRESENTATIVES LORUSSO, ADAMS, AND WESLEY BISHOP

AN ACT

To amend and reenact R.S. 47:1851(B), relative to ad valorem taxation; to provide for the definition of public service property for purposes of assessment; to provide for the definition of barge lines, towing, and other water transportation companies; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

April 3, 2012

HOUSE BILL NO. 368—
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact Code of Civil Procedure Article 971(C), relative to the special motion to strike; to provide for certain procedures; to provide delays for filing a motion to strike; to authorize the filing of the motion under certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 369—
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 10:9-102(a)(7)(B), (10), (50), and (68) through (80), 9-105(a), (b)(introductory paragraph), (4), and (6), 9-307(f)(introductory paragraph) and (2), 9-311(a)(introductory paragraph) and (3), 9-317(b) and (d), 9-326, 9-406(e), 9-408(b), 9-503(a)(1) through (4), and (b)(introductory paragraph) and (2), 9-507(c), 9-515(f), 9-516(b)(3)(B)(introductory paragraph) and (C), and (5), 9-518(a), (b)(introductory paragraph) and (2), and (c), 9-523(g) and to enact R.S. 10:9-102(a)(81), 9-316(h) and (i), 9-503(a)(5) and (6), and (f) through (h), 9-518(d) and (e), and Part 8 of Title 10 of the Louisiana revised Statutes of 1950, to be comprised of R.S. 10:9-801 through 9-809, relative to secured transactions; to provide for definitions; to provide for control of electronic chattel paper; to provide for location of the debtor; to provide for perfection of security interests; to provide for continued perfection of security interests following change in governing law; to provide for discharge of account debtor; to provide for interests that take priority over or take free of security interests or agricultural liens; to provide for priority of security interests created by a new debtor; to provide for restrictions on assignments; to provide for sufficiency of a debtor's name; to provide for duration and effectiveness of the financing statement; to provide for filing and effectiveness of filing; to provide for claims concerning inaccurate or wrongfully filed records; to provide relative to information received from the filing office; to provide for transitional provisions; to provide for applicability and retroactivity; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 439—
BY REPRESENTATIVE ABRAMSON
AN ACT

To repeal R.S. 9:2448, relative to testaments; to repeal the statutory authorization for the designation in a will of an attorney to handle an estate.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 459—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Article 966(B), (E), and (F), relative to motions for summary judgment; to provide for evidence which may be considered under certain circumstances; to provide for the inclusion of certain information in judgments; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 466—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Title X of Book III of the Civil Code, consisting of Articles 2778 through 2800, to consist of Articles 2778 through 2791, relative to annuities, the annuity contract, and the annuity charge; to provide for a definition of an annuity contract; to provide for the application of the Titles of

Obligations in General and Conventional Obligations or Contracts, or the Title of Sales, or the Title of Donations; to provide for the recipient of payments; to provide for an annuity for life or a time period; to provide for the termination of an annuity in the absence of a designated term; to provide for the assignability and heritability of the rights and obligations of an annuity; to provide for an annuity in favor of successive recipients; to provide for an annuity in favor of several recipients of payments; to provide for the existence of an annuity; to provide for an annuity charge; to provide that an annuity charge must be express and in writing; to provide for the recordation of an annuity contract; to provide for the law applicable to an annuity charge; to provide for the duration of an annuity charge; to provide for the enforcement of an annuity charge; to suppress the concept of the rent of lands; to provide an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 467—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Article 2724(A), relative to notice in executory process proceedings; to provide for notice to certain persons; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 474—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Articles 683(B), 966(B), 1313(C), 2166(E), and 5188 and to enact Code of Civil Procedure Article 1313(D), relative to continuous revision of the Code of Civil Procedure; to provide for the tutor's enforcement of rights of unemancipated minors; to provide for statements on denials of summary judgments; to provide for service by couriers; to provide for suspension of writ denials by the supreme court; to provide for entry of judgment notwithstanding an indigent's failure to pay costs; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 499—
BY REPRESENTATIVES HENRY BURNS, BROWN, FRANKLIN, GISCLAIR, GUINN, HILL, HODGES, HONORE, HOWARD, JONES, TERRY LANDRY, LEBAS, LEOPOLD, MACK, NORTON, PYLANT, AND RICHARDSON
AN ACT

To enact R.S. 32:412(K) and R.S. 40:1321(K), relative to drivers' licenses and special identification cards; to authorize the designation of "Veteran" on drivers' licenses and special identification cards; to provide for rules; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 541—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:2017.11 and to enact R.S. 40:1563(L), relative to the review of plans or specifications; to authorize the fire marshal to review plans for health care facilities and residential living options and collect charges; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 589—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 32:408.1(2)(introductory paragraph) and to repeal R.S. 32:408.1(2)(a) through (e), relative to requiring third-party testers to comply with certain federal regulations and to obtain a surety bond; repeals minimum qualifications for third-party contracts; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 680—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 48:36, relative to topographic mapping; to provide for mandatory development and maintenance of a statewide digital geospatial database; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 713—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 32:295.4(introductory paragraph) and to enact R.S. 32:295.4(5), relative to law enforcement checkpoints; to require advance notice to the public of seat belt and insurance checkpoints; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 748—
BY REPRESENTATIVE PONTI
AN ACT

To enact R.S. 37:702(7), relative to the practice of engineering; to provide an exception for the evaluation of oil and gas resources; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 764—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Civil Code Articles 1848 and 2028, to enact Civil Code Article 1849, and to repeal Civil Code Article 2444, relative to counterletters; to provide with respect to testimonial or other evidence as it relates to disproving a writing; to provide for proof of simulation; to provide for instances when introduction of counterletters is required; to provide for effects of counterletters and simulation as to third persons; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator David R. Heitmeier, O.D., Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 3, 2012

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE RESOLUTION NO. 22—
BY SENATOR MILLS

A RESOLUTION

To urge and request the Department of Health and Hospitals to establish prevention of disease as a primary model of health care; to increase awareness of vitamin D deficiency and vitamin D blood testing; and to promote awareness of the potential long-term health benefits of and increased chances of cancer survival with sufficient levels of vitamin D.

Reported favorably.

SENATE BILL NO. 114—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 40:1299.58.5(A)(2)(a) and (b) and (3), relative to declarations concerning medical procedures; to provide with respect to the order of priority for the procedure for making a declaration for a qualified patient who has not previously made a declaration; to provide for voting number when the class involves multiple persons; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DAVID R. HEITMEIER, O.D.
Chairman

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to recall Senate Bill No. 3 from the Committee on Judiciary C.

SENATE BILL NO. 3—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:30.1(A)(2), relative to second degree murder; to add to the list of aggravating circumstances under which the killing of a human being constitutes second degree murder; to provide that second degree murder includes the killing of a human being when the offender is engaged in the selling of certain illegal drugs; and to provide for related matters.

On motion of Senator Morrell the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Morrell asked for and obtained a suspension of the rules to recall Senate Bill No. 254 from the Committee on Judiciary C.

SENATE BILL NO. 254—
BY SENATOR MORRELL

AN ACT

To enact R.S. 14:35.4, relative to the crime of domestic abuse battery; to create the crime of aggravated domestic abuse battery; to provide for fines and penalties; to provide for an effective date; and to provide for related matters.

On motion of Senator Morrell the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Dorsey-Colomb asked for and obtained a suspension of the rules to recall Senate Bill No. 188 from the Committee on Judiciary B.

April 3, 2012

SENATE BILL NO. 188—

BY SENATOR DORSEY-COLOMB
AN ACT

To amend and reenact R.S. 15:1229(B)(2) and to enact R.S. 44:4(45), relative to the Louisiana Automated Victim Notification System; to restrict access to information regarding death row inmates available through the system to the inmate's victims and their families; and to provide for related matters.

On motion of Senator Dorsey-Colomb the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Dorsey-Colomb asked for and obtained a suspension of the rules to recall Senate Bill No. 636 from the Committee on Insurance.

SENATE BILL NO. 636—

BY SENATOR DORSEY-COLOMB
AN ACT

To enact R.S. 22:1076.1, relative to required health insurance coverage for hospitalization after a mastectomy; and to provide for related matters.

On motion of Senator Dorsey-Colomb the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules to take up at this time:

Introduction of Senate Bills and Joint Resolutions

Senator Adley asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 731—

BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 30:29, relative to remediation; to provide relative to remediation of certain sites by the Department of Natural Resources; to provide relative to the remediation of oil and gas and other sites; to provide terms, conditions, procedures, requirements, definitions, and standards; to provide relative to duties and responsibilities of certain agencies; to provide relative to certain actions or claims involving environmental damage; to provide relative to parties, proceedings, orders, judgments, and awards by the court; to provide relative to remediation and cleanup arising from such actions or claims; to provide relative to oilfield sites and exploration and productions sites; to provide for landowner notification of environmental testing; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 732—

BY SENATOR CHABERT
AN ACT

To amend and reenact R.S. 22:2291, relative to the Louisiana Citizens Property Insurance Corporation; to provide for declarations, purpose, and construction; to provide for affordable rates; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 733—

BY SENATOR CHABERT
AN ACT

To amend and reenact R.S. 56:578.2(A), (B), and (C) and to enact R.S. 56:578.2(F), relative to the Louisiana Seafood Promotion and Marketing Board; to provide for its membership; to provide for the election of its officers; to provide for certain term limits for officers; to provide certain requirements, terms, and conditions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Natural Resources.

SENATE BILL NO. 734—

BY SENATOR PETERSON
AN ACT

To enact R.S. 33:4096.1, relative to water rates in certain municipalities; to provide that certain rates shall be comparable to other customers; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 735—

BY SENATOR PETERSON
AN ACT

To amend and reenact R.S. 36:696(A), relative to the deputy commissioner of consumer advocacy, to provide relative to the commissioner's appointment; to provide for the commissioner's salary; to provide for staff; to provide for the offices; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 736—

BY SENATOR PETERSON
AN ACT

To enact R.S. 41:1226, relative to public benefit corporations; to provide for the creation of such corporations by local school boards; to provide for the board of directors; to provide for its purpose; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 737—

BY SENATOR WHITE
AN ACT

To enact R.S. 47:337.9.1, relative to the sales and use tax of political subdivisions; to require certain precollection procedures if a political subdivision denies a taxpayer certain exemptions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 738—

BY SENATORS MORRELL AND HEITMEIER AND REPRESENTATIVES BROSSETT, LEGER AND MORENO
AN ACT

To enact R.S. 14:20.1, relative to self-defense; to provide relative to when such immunity from criminal prosecution is not available; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

SENATE BILL NO. 739—

BY SENATOR GUILLORY
AN ACT

To amend and reenact R.S. 11:102(B)(1), (2)(introductory paragraph), (b)(introductory paragraph) and (ii), and (c), (3)(a) and (d)(vii), (4), and (5)(b) and 927(B) and to enact R.S. 11:102(D), relative to employer contribution rates for the Teachers' Retirement System of Louisiana; to provide for

calculation of individualized employer contribution rates for classes of employees; to provide for system valuations; to provide for the employer contribution rate for the optional retirement plan; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

SENATE BILL NO. 740—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:542(A)(2) and (3), (B)(introductory paragraph), and (F)(2), 883.1(A)(2) and (3), (B)(introductory paragraph), and (G)(2) and to enact Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, and R.S. 11:542(A)(4), (B)(4), (F)(3), and 883.1(A)(4), (B)(4), and (G)(3), relative to certain accounts of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for calculation and application of credits and debits to the systems' experience accounts; to provide for subaccounts; to provide for an effective date, and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

SENATE BILL NO. 741—
BY SENATOR CHABERT

AN ACT

To amend and reenact R.S. 17:3128(A), relative to the Board of Regents; to provide for power to formulate master plan; to prohibit the board from considering mandatory self-assessed student fees in certain calculations; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 742—
BY SENATOR BROWN

AN ACT

To amend and reenact R.S. 22:1811 and to enact R.S. 22:1812, relative to payment of death benefits; to provide with respect to investigations of preexisting conditions; to provide for payment of certain benefits pending an investigation; to provide for prescription of an insurer's right to contest payment due to a preexisting condition; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 743—
BY SENATOR MARTINY

AN ACT

To enact R.S. 51:940.1, relative to standards and procedures for audits by the Department of Economic Development or the Louisiana Film Office of motion picture productions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 744—
BY SENATOR PETERSON

AN ACT

To enact Chapter 20 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:3401 through 3407, relative to health insurance; to create the Louisiana Health Insurance Exchange as an agency of the state; to provide for a board; to provide for the duties, terms, and membership of the board; to provide for the powers, duties, and obligations of the exchange; to provide relative to the hiring of employees; to provide relative to contracts; to provide relative to fees; and to provide that if certain federal laws are repealed, defunded, or declared

unconstitutional by the U.S. Supreme Court, this act is repealed; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Insurance.

SENATE BILL NO. 745—
BY SENATOR NEVERS

AN ACT

To enact R.S. 17:1379, relative to consolidation of certain school districts; to provide for the conduct of an election for such purpose; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

Rules Suspended

Senator Morrish asked for and obtained a suspension of the rules to recall Senate Bill No. 209 from the Committee on Insurance.

SENATE BILL NO. 209—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 22:1265(D) and 1333 (C) and to enact R.S. 22:1265(I) and 1333(G), relative to property, casualty, liability, and homeowners' insurance cancellation or nonrenewal; to allow an insurer to nonrenew up to three percent of its homeowners' insurance business in any year; to require the reporting of nonrenewals to the commissioner; and to provide for related matters.

On motion of Senator Morrish the bill was read by title and withdrawn from the files of the Senate.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Amedee, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 3, 2012

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 43—
BY SENATOR LONG

A CONCURRENT RESOLUTION

To recognize the seventy-fifth anniversary of the United States Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.

Respectfully submitted,
"JODY" AMEDEE
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 2, 2012

To the Honorable President and Members of the Senate:

April 3, 2012

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 54—
BY REPRESENTATIVE DIXON AND SENATOR GALLOT
A CONCURRENT RESOLUTION

To commend the Peabody Magnet High School boys basketball team upon winning the 2012 Class 4A state championship.

HOUSE CONCURRENT RESOLUTION NO. 55—
BY REPRESENTATIVE HOLLIS
A CONCURRENT RESOLUTION

To recognize "Le Tour d'Iberville" as part of the Lacombe Cultural Heritage Corridor.

HOUSE CONCURRENT RESOLUTION NO. 56—
BY REPRESENTATIVE SIMON
A CONCURRENT RESOLUTION

To proclaim November 2012 as chronic obstructive pulmonary disease (COPD) awareness month in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 57—
BY REPRESENTATIVE HOFFMANN
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

HOUSE CONCURRENT RESOLUTION NO. 60—
BY REPRESENTATIVE HOLLIS
A CONCURRENT RESOLUTION

To recognize Tuesday, May 1, 2012, as St. Tammany Day.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Dorsey-Colomb	Murray
Adley	Gallot	Nevers
Allain	Guillory	Peacock
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Walsworth
Crowe	Morrell	Ward
Donahue	Morrish	White
Total - 36		

ABSENT

Amedee	Erdey	Perry
Total - 3		

Leaves of Absence

The following leaves of absence were asked for and granted:

Amedee	½ Day	Erdey	½ Day
Perry	½ Day		

Announcements

The following committee meetings for April 4, 2012, were announced:

Commerce	10:00 A.M.	Room E
Insurance	9:00 A.M.	Room A
Senate and Gov't Affairs	9:00 A.M.	Room F

Adjournment

On motion of Senator Thompson, at 6:00 o'clock P.M. the Senate adjourned until Wednesday, April 4, 2012, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Wednesday, April 4, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk